

sion and appropriation for federal aid in construction and improvement of highways (H. R. 15837)—to the Committee on Agriculture.

By Mr. HOWELL of New Jersey: Petition of Ministers' Association of South Amboy, N. J., favoring temperance legislation of various sorts—to the Committee on Alcoholic Liquor Traffic.

By Mr. HUGHES of New Jersey: Petition of Delaware Valley Grange, of Landgston, N. J., favoring legislation to establish parcels-post and postal savings bank laws (S. 5122 and 6844)—to the Committee on the Post-Office and Post-Roads.

Also, petition of Delaware Valley Grange, No. 143, favoring a national highways commission—to the Committee on Agriculture.

By Mr. KAHN: Petitions of Alice M. Lord and 95 other residents of Seattle, Wash.; Byron S. Thornton and 12 other residents of Ellenville, N. Y.; John Scanlan and 96 other residents of San Francisco, Cal.; John A. Warren and 35 other residents of St. Elmo, Tenn.; Gust. Jordan and 97 other residents of Tacoma, Wash.; David C. Foss and 27 other residents of Lititz, Pa.; Fred Noltzen and 48 other residents of Lehigh, Pa.; and A. V. Fortune and 87 other residents of San Francisco, Cal., for an effective exclusion law against all Asiatics save merchants, students, and travelers—to the Committee on Foreign Affairs.

Also, petition of the Chamber of Commerce of San Francisco, Cal., in favor of H. R. 26092, for a national consular school—to the Committee on Foreign Affairs.

Also, petition of the Sailors' Union of the Pacific, against removal of the United States marine hospital at San Francisco from its present location to Angel Island—to the Committee on Naval Affairs.

Also, petition of Golden Gate Harbor, No. 40, American Association of Masters, Mates, and Pilots of Steam Vessels, favoring S. 6990—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Golden Gate Harbor, No. 40, American Association of Masters, Mates, and Pilots of Steam Vessels, favoring H. R. 15657—to the Committee on the Merchant Marine and Fisheries.

Also, petitions of San Francisco Labor Council, Bayard River Steamboat Men's Union, and Marine Firemen, Oilers, and Watertenders' Union of San Francisco, Cal., against removal of the United States marine hospital at San Francisco from its present location to Angel Island—to the Committee on Naval Affairs.

By Mr. LINDSAY: Petition of U. S. Grant Post, of Brooklyn, N. Y., favoring H. R. 15829, relative to a medal of honor for Charles Rapp—to the Committee on Military Affairs.

Also, petition of S. W. Eccles, favoring H. R. 25553, for the relief of the Alaska Pacific Railway and Terminal Company—to the Committee on the Territories.

By Mr. MALBY: Petition of members of the Congregational Church of Poughkeepsie, N. Y., favoring H. R. 24148, for federal bureau for children—to the Committee on Expenditures in the Interior Department.

By Mr. MANN: Petition of the Shenandoah Valley Fruit Growers' Association, for legislation to control manufacture and sale of insecticides and fungicides—to the Committee on Agriculture.

Also, petition of Shenandoah Valley Fruit Growers' Association, favoring a quarantine and inspection of imported nursery stock, etc.—to the Committee on Agriculture.

By Mr. NORRIS: Petition of the Grand Army of the Republic Post of Hastings, Nebr., for a volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. PERKINS: Petition of S. Perkins & Co., of Rochester, N. Y., favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. SABATH: Petition of the National Live Stock Association, of California, against advancement of freight rates—to the Committee on Interstate and Foreign Commerce.

By Mr. SLAYDEN: Paper to accompany bill for relief of John S. Churchill—to the Committee on Invalid Pensions.

Also, petition of citizens of Gillespie County, Tex., against parcels-post and postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

By Mr. SPERRY: Resolution of the directors of the Hartford Business Men's Association, of Hartford, Conn., urging the passage of the Appalachian and White Mountains forestry reserve bill—to the Committee on Agriculture.

By Mr. STANLEY: Paper to accompany bill for relief of John W. Alves, of Henderson County, Ky.—to the Committee on War Claims.

By Mr. STURGISS: Petition of John N. Tregellas, of Grafton, W. Va., favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. SWASEY: Paper to accompany bill for relief of George I. Leonard—to the Committee on Pensions.

Also, papers to accompany bills for relief of Stephen B. Marston and John Aldrich—to the Committee on Invalid Pensions.

Also, petition of citizens of Industry, Me., favoring parcels-post and postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

By Mr. VREELAND: Petition of Belfast Grange, No. 1068, Patrons of Husbandry, and Cassadaga Grange, No. 659, Patrons of Husbandry, for the creation of a national highways commission (H. R. 15837)—to the Committee on Agriculture.

Also, petition of business men of Cuba, Allegany County, N. Y., against a parcels-post and savings bank law—to the Committee on the Post-Office and Post-Roads.

Also, petition of oil producers of Allentown, N. Y., against putting oil on the free list—to the Committee on Ways and Means.

Also, petition of the Fredonia Preserving Company, of Fredonia, N. Y., favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

Also, petition of oil producers of Friendship, Allegany County, N. Y., against any change in tariff relative to crude oil—to the Committee on Ways and Means.

By Mr. WEBB: Petition of citizens of Lincoln County, N. C., favoring a parcels-post and postal savings bank bill—to the Committee on the Post-Office and Post-Roads.

## SENATE.

THURSDAY, February 11, 1909.

Prayer by the Chaplain, Rev. Edward E. Hale.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

### ELECTRIC LIGHTING IN MANATI, P. R.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, certified copies of a franchise granted by the executive council of Porto Rico for the purpose of erecting, maintaining, and operating an electric plant, etc., in the municipality of Manati (H. Doc. No. 1444), which, with the accompanying paper, was referred to the Committee on Pacific Islands and Porto Rico and ordered to be printed.

### CHESAPEAKE AND POTOMAC TELEPHONE COMPANY.

The VICE-PRESIDENT laid before the Senate the annual report of the Chesapeake and Potomac Telephone Company of the District of Columbia for the fiscal year ended June 30, 1908 (H. Doc. No. 1442), which was referred to the Committee on the District of Columbia and ordered to be printed.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had passed the bill (S. 8154) to amend section 19 of the act granting the Lake Erie and Ohio River Ship Canal Company rights to construct, equip, maintain, and operate a canal, or canals, and appurtenant works between the Ohio River, in the State of Pennsylvania, and Lake Erie, in the State of Ohio, approved June 30, 1906.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 13851) providing for the purchase of a site and the erection of a new immigration station thereon at the city of Boston, Mass.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 16743) for the removal of the restrictions on alienation of lands of allottees of the Quapaw Agency, Okla., and the sale of all tribal lands, school, agency, or other buildings on any of the reservations within the jurisdiction of such agency, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHERMAN, Mr. MARSHALL, and Mr. STEPHENS of Texas, managers at the conference on the part of the House.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 23473. An act extending the time for final entry of

mineral claims within the Shoshone or Wind River Reservation in Wyoming;

H. R. 25139. An act to amend an act entitled "An act to ratify, approve, and confirm an act duly enacted by the legislature of the Territory of Hawaii to authorize and provide for the construction, maintenance, and operation of a telephone system on the island of Oahu, Territory of Hawaii," approved June 20, 1906;

H. R. 27250. An act to provide for the government of the Canal Zone, the construction of the Panama Canal, and for other purposes; and

H. R. 27970. An act to amend section 8 of the act approved May 28, 1908, entitled "An act to amend the laws relating to navigation, and for other purposes."

The message further requested the Senate to furnish the House with a copy of the amendment of the Senate to the joint resolution (H. J. Res. 219) to accept the gift of Constitution Island, in the Hudson River, New York.

#### ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the Vice-President:

S. 4024. An act for the relief of Allen H. Hamiter, administrator of the estate of John H. Hamiter, deceased;

S. 6359. An act to change the name and jurisdiction of the inferior court of justice of the peace in the District of Columbia;

S. 6580. An act to amend an act entitled "An act for the widening of Bladensburg road, and for other purposes," approved January 9, 1907;

S. 8540. An act to amend an act entitled "An act to authorize the construction of a bridge across the Tennessee River in Marion County, Tenn.," approved May 20, 1902, as amended by an act approved February 1, 1905, entitled "An act to amend an act entitled 'An act to authorize the construction of a bridge across the Tennessee River in Marion County, Tenn.'";

H. R. 18417. An act for the relief of Clark County, Ky.; and  
S. R. 115. Joint resolution authorizing the Secretary of War to establish harbor lines in the Kansas River at Kansas City, Kans.

#### PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented memorials of Typographical Union No. 2, of Philadelphia; Typographical Union No. 151, of Oil City; Typographical Union No. 7, of Pittsburg, and of the Allied Printing Trades Council of Erie, all in the State of Pennsylvania; of the Tri-City Allied Printing Trades Council, of Davenport, and of Typographical Union No. 203, of Council Bluffs, in the State of Iowa; of the Typographical Union of St. Joseph, Mo.; of Typographical Union No. 89, of Chattanooga, Tenn.; of Typographical Union No. 384, of Montpelier, Vt.; of the Typographical Union of Lacrosse, Wis., and of the Typographical Union of Topeka, Kans., remonstrating against authorizing the printing in connection with the Census Office being given to private concerns, which were referred to the Committee on the Census.

Mr. CULLOM presented a memorial of Local Branch No. 119, Glass Blowers' Association of the United States and Canada, remonstrating against the decision of the court in imposing a jail sentence on Gompers, Morrison, and Mitchell, which was referred to the Committee on the Judiciary.

Mr. GALLINGER presented a petition of Local Lodge No. 146, Benevolent and Protective Order of Elks, of Manchester, N. H., praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a memorial of Woolsorters' Local Union No. 349, American Federation of Labor, of Lawrence, Mass., remonstrating against any reduction being made in the duty on textile goods, which was referred to the Committee on Finance.

He also presented a petition of the East Washington Heights Citizens' Association, of the District of Columbia, praying for the enactment of legislation providing a retirement fund for the public-school teachers of the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. WETMORE presented a petition of Local Grange No. 10, Patrons of Husbandry, of West Kingston, R. I., praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. DICK presented petitions of Acme Grange, No. 1440, of Welshfield; of Local Grange No. 1566, of Troy, all Patrons of Husbandry; and of sundry citizens of Marlboro, Bryan, Athens, and Delphos, all in the State of Ohio, praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Rear-Admiral H. F. Pickering Naval Garrison, No. 4, Army and Navy Union of the United States, of Erie, Pa., praying for the enactment of legislation providing for the retirement of petty officers and enlisted men of the navy after twenty-five years' actual service, which was referred to the Committee on Naval Affairs.

He also presented a petition of the Board of Trade of Columbus, Ohio, praying for the enactment of legislation to restore the business confidence of common carriers, transportation companies and associated industrial interests of the country, which was referred to the Committee on Interstate Commerce.

He also presented a petition of Local Grange No. 119, Patrons of Husbandry, of Randolph, Ohio, praying for the enactment of legislation to create a national highways commission, and also that an appropriation be made for the improvement and maintenance of the public highways of the country, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Aero Club of Canton, Ohio, praying that an appropriation of \$500,000 be made for the development of aeronautics in the United States Army, which was referred to the Committee on Military Affairs.

He also presented a petition of the National Business League of America, praying that an appropriation be made to acquire in foreign countries sites and buildings for the use of the diplomatic and consular establishments of the United States, which was referred to the Committee on Foreign Relations.

Mr. ANKENY presented a petition of Local Grange No. 82, Patrons of Husbandry, of Vancouver, Wash., praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BROWN presented a petition of the Farmers' Institute of Madison County, Nebr., praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. PERKINS presented petitions of the Bay and Rivermen's Union; of the Sailors' Union of the Pacific; and of the Marine Firemen, Oilers, and Watertenders' Union, all of San Francisco, in the State of California, praying that an appropriation of \$500,000 be made for the erection of a new marine-hospital building at that city, and remonstrating against the proposed removal of the hospital to another city, which were referred to the Committee on Commerce.

He also presented a memorial of the Sacramento Valley Development Association, of Sacramento, Cal., remonstrating against the enactment of legislation limiting the expenditure of the reclamation fund by the Secretary of the Interior, which was referred to the Committee on Irrigation.

He also presented a memorial of sundry citizens of California, remonstrating against any reduction being made in the duty on sugar imported from the Philippine Islands, which was referred to the Committee on Finance.

Mr. GAMBLE presented memorials of sundry citizens of South Dakota, remonstrating against the treatment accorded German-Russian immigrants by government officials on account of their alleged suffering from trachoma on their arrival at Ellis Island, N. Y., which were referred to the Committee on Immigration.

Mr. BRIGGS presented petitions of sundry citizens of New Jersey, praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of the State Board of Children's Guardians, of Jersey City; of the Woman's Club of Orange; and of the Civic Association of Madison, all in the State of New Jersey, praying for the enactment of legislation to establish a national children's bureau in the Department of the Interior, which were referred to the Committee on Education and Labor.

He also presented a petition of the State Horticultural Society, of Riverton, N. J., praying for the enactment of legislation to prohibit the manufacture, sale, and transportation of fungicides and insecticides entering into interstate commerce, which was ordered to lie on the table.



He also presented a petition of Enterprise Harbor, No. 2, American Association of Masters, Mates, and Pilots, of Camden, N. J., praying for the passage of the so-called "Knox bill" concerning licensed officers of steam and sail vessels, which was referred to the Committee on Commerce.

He also presented the memorial of Henry M. Nevius, commander in chief, Grand Army of the Republic, of Red Bank, N. J., remonstrating against the consolidation of certain pension agencies throughout the country, which was referred to the Committee on Pensions.

He also presented a petition of the Beckwith-Chandler Company, of Newark, N. J., praying for the enactment of legislation providing for the federal inspection, gauging, grading, and marking of all naval stores, which was referred to the Committee on Naval Affairs.

He also presented a petition of the Mercer County Central Labor Union, of Trenton, N. J., praying for the enactment of legislation to curtail the power of judges in imposing jail sentences on leading members of organized labor, which was referred to the Committee on the Judiciary.

He also presented the petition of Rev. Aloys M. Fish, president of the American Prison Chaplains' Association, of Trenton, N. J., praying that an appropriation be made for the reception of the International Prison Congress, to be held in Washington, D. C., in 1910, which was referred to the Committee on Appropriations.

He also presented a petition of Local Union No. 112, International Brotherhood of Stationary Firemen, of Orange, N. J., praying for the enactment of legislation to license firemen, stokers, and water tenders in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a petition of the librarian of the Free Public Library of Newark, N. J., praying for the repeal of the duty on books and other printed matter, which was referred to the Committee on Finance.

Mr. McCUMBER presented a memorial of the North Dakota Retail Hardware Association, of Bismarck, N. Dak., remonstrating against the passage of the so-called "rural parcels-post" bill, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of Morton and Oliver counties, N. Dak., praying that an appropriation be made to protect the banks of the upper Missouri River in townships 140 and 141, range 81, in that State, which was referred to the Committee on Commerce.

Mr. BURKETT presented a petition of the Farmers' Institute of Madison County, Nebr., praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BULKELEY presented a petition of sundry citizens of Lyme, Conn., praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of Colchester, Conn., praying for the passage of the so-called "Burkett anti-gambling race bill," which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Middletown, Conn., praying for the enactment of legislation to provide for national cooperation in technical education, which was referred to the Committee on Agriculture and Forestry.

Mr. BRANDEGEE presented a petition of sundry citizens of Colchester, Conn., praying for the passage of the so-called "Burkett anti-gambling race" bill, which was referred to the Committee on the Judiciary.

He also presented a petition of Rippowan Grange, No. 145, Patrons of Husbandry, of Stamford, Conn., praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

#### REPORT OF NATIONAL ACADEMY OF SCIENCES.

Mr. WETMORE. I present the annual report of the National Academy of Sciences for the year 1908, as required by the statute. The same statute provides for the printing of the report, so that no action by the Senate is necessary.

The VICE-PRESIDENT. The report will lie on the table.

#### REPORTS OF COMMITTEES.

Mr. SCOTT, from the Committee on Military Affairs, to whom was referred the bill (H. R. 27342) to amend the military record of David H. Dickinson, reported it without amendment and submitted a report (No. 967) thereon.

He also, from the same committee, to whom was referred the bill (S. 8932) to amend the record of David H. Dickinson, reported adversely thereon and moved that the bill be postponed indefinitely, which was agreed to.

Mr. WARREN, from the Committee on Military Affairs, to whom was referred the bill (S. 5491) to increase the efficiency of the pay department, United States Army, reported it with amendments and submitted a report (No. 968) thereon.

He also, from the same committee, to whom was referred the bill (S. 9198) authorizing the Secretary of War to furnish two condemned brass or bronze field guns, carriages, and cannon balls to the State of Utah, reported it without amendment and submitted a report (No. 969) thereon.

He also, from the same committee, to whom was referred the joint resolution (H. J. Res. 241) to authorize the Secretary of War to furnish one condemned bronze cannon and cannon balls to the city of Robinson, Ill., reported it without amendment.

Mr. CRANE, from the Committee on Post-Offices and Post-Roads, to whom were referred the following bills, reported them severally without amendment:

A bill (H. R. 5728) for the relief of James H. De Coster; and  
A bill (H. R. 15603) for the relief of John W. Wood.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 7752) for the relief of the Boston and Maine Railroad (Report No. 977); and

A bill (S. 8324) for the relief of E. C. Mansfield (Report No. 978).

Mr. FRYE, from the Committee on Commerce, to whom was referred the amendment submitted by himself on the 27th ultimo, providing for an increase in the number of officers of the grade of senior captain in the Revenue-Cutter Service, etc., intended to be proposed to the sundry civil appropriation bill, reported it with amendments and moved that it be printed and, with the accompanying papers, referred to the Committee on Appropriations, which was agreed to.

Mr. PERKINS, from the Committee on Commerce, to whom was referred the bill (S. 8231) to authorize the Secretary of the Treasury to cause to be erected a suitable building or buildings for marine-hospital purposes on the present marine-hospital site at San Francisco, Cal., and to remove all or any of the present structures on said site, reported it without amendment and submitted a report (No. 971) thereon.

He also, from the same committee, to whom was referred the amendment submitted by himself on the 6th instant, proposing to appropriate \$35,000 for the Alcatraz light station, California, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon and moved that it be referred to the Committee on Appropriations and printed, which was agreed to.

Mr. BULKELEY, from the Committee on Military Affairs, to whom was referred the bill (S. 1894) for the relief of Lawrence T. Fetterman, submitted an adverse report (No. 972) thereon, which was agreed to, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 3828) to correct the military record of Laurence T. Fetterman and grant him an honorable discharge, reported adversely thereon, and the bill was postponed indefinitely.

Mr. WARNER, from the Committee on Military Affairs, to whom was referred the joint resolution (S. R. 127) authorizing an extension of the tracks of the Atchison, Topeka and Santa Fe Railroad on the military reservation at Fort Leavenworth, Kans., reported it without amendment and submitted a report (No. 973) thereon.

Mr. FLINT, from the Committee on Education and Labor, to whom was referred the bill (S. 8323) to establish in the Department of the Interior a bureau to be known as the Children's Bureau, reported it without amendment and submitted a report (No. 974) thereon.

Mr. PILES, from the Committee on Commerce, to whom was referred the amendment submitted by himself on the 10th instant, proposing to appropriate \$30,000 for a light-house and fog-signal station on Eliza Island, Bellingham Bay, Washington, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be printed and, with the accompanying papers, referred to the Committee on Appropriations, which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by himself on the 10th instant, providing for the purchase of a site and for the purchase and construction of a wharf and storehouses thereon at some point on the northern coast of the State of Washington between Cape Flattery and Port Townsend, intended to be proposed to the sundry civil

appropriation bill, reported favorably thereon, and moved that it be printed and, with the accompanying papers, referred to the Committee on Appropriations, which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by himself on the 6th instant, proposing to appropriate \$140,000 for establishing aids to navigation in Alaskan waters, etc., intended to be proposed to the sundry civil appropriation bill, reported favorably thereon and moved that it be printed and, with the accompanying papers, referred to the Committee on Appropriations, which was agreed to.

Mr. OWEN, from the Committee on Indian Affairs, to whom was referred the bill (S. 3423) to pay the balance due the loyal Creek Indians on the award made them by the Senate on the 16th day of February, 1903, reported it without amendment, and submitted a report (No. 975) thereon.

Mr. CURTIS, from the Committee on Indian Affairs, to whom was referred the bill (S. 8554) authorizing the Secretary of the Interior to sell part or all of the surplus lands of members of the Kaw or Kansas tribe of Indians in Oklahoma, reported it with amendments and submitted a report (No. 976) thereon.

Mr. CLARK of Wyoming, from the Committee on the Judiciary, to whom was referred the bill (S. 9295) in relation to the salary of the Secretary of State, reported it with an amendment.

#### DONATION OF CONDEMNED CANNON.

Mr. SCOTT. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. 6392) to authorize the Secretary of War to furnish two condemned brass cannon and cannon balls to the county court of Mercer County, W. Va., to report it favorably with an amendment, and I submit a report (No. 965) thereon. I ask for the immediate consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment was, after the word "authorized," in line 3, to insert:

And directed to donate to the county court of Mercer County, W. Va., two condemned bronze fieldpieces, with their carriages, which may be available and may not be needed in the service, the same to be used in the park surrounding the court-house, in the town of Princeton, W. Va.: *Provided*, That no expense shall be incurred by the United States in connection with the donation of the above-mentioned articles of ordnance property.

So as to make the bill read:

*Be it enacted, etc.*, That the Secretary of War be, and he is hereby, authorized and directed to donate, etc.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill authorizing the Secretary of War to donate two condemned cannon to the county court of Mercer County, W. Va."

#### WYATT O. SELKIRK.

Mr. TALIAFERRO. I report back favorably, without amendment, from the Committee on Military Affairs the bill (H. R. 18726) for the relief of Wyatt O. Selkirk, and I submit a report (No. 963) thereon. I invite the attention of the senior Senator from Texas to the bill.

Mr. CULBERSON. I ask unanimous consent for the consideration of the bill.

The Secretary read the bill, as follows:

*Be it enacted, etc.*, That the name of First Lieut. Wyatt O. Selkirk shall be advanced to a place next above the name of First Lieut. George A. Wildrick on the lineal list of officers of the Coast Artillery Corps, and that thereafter the name of Lieutenant Selkirk shall be borne in that relative position on the records of the War Department and on the Army Register.

Mr. KEAN. What is the object of the bill?

Mr. WARREN. It is to correct an error. It is being done on the recommendation of the Chief of Staff.

Mr. KEAN. I thought the President had vetoed several of those bills.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### DONATION OF CONDEMNED CANNON.

Mr. McCREARY. I am authorized by the Committee on Military Affairs to report back favorably the bill (H. R. 27069) to authorize the Secretary of War to donate two condemned brass or bronze cannon or fieldpieces and cannon balls

to the city of Henderson, Ky. I ask unanimous consent for the present consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### OMAHA AND WINNEBAGO INDIAN LANDS.

Mr. BROWN. I am directed by the Committee on Indian Affairs, to whom was referred the bill (H. R. 20385) to enable the Omaha and Winnebago Indians to protect from overflow their tribal and allotted lands located within the boundaries of any drainage district in Nebraska, to report it favorably without amendment, and I submit a report (No. 964) thereon. I ask for the present consideration of the bill. I will state that the bill in all its provisions is identical with Senate bills passed by the Senate at the present session.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. BROWN. I move that the bill (S. 8356) to enable the Omaha Indians to protect from overflow their tribal and allotted lands located within the boundaries of any drainage district in Nebraska, and the bill (S. 9039) to enable the Winnebago Indians to protect from overflow their tribal and allotted lands located within the boundaries of any drainage district in Nebraska, be recalled from the House.

The motion was agreed to.

Mr. BROWN. I enter a motion to reconsider the votes by which the bills were ordered to a third reading and passed.

#### DONATION OF CONDEMNED CANNON.

Mr. WARREN. From the Committee on Military Affairs, I report back favorably without amendment the bill (S. 9160) authorizing the Secretary of War to furnish four condemned brass or bronze field guns, carriages, and cannon balls to the State of South Carolina, and I submit a report (No. 968) thereon.

Mr. TILLMAN. I ask unanimous consent that the bill may have immediate consideration.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### NORTH AMERICAN GYMNASTIC UNION.

Mr. FORAKER. From the Committee on Military Affairs, I report back favorably without amendment the joint resolution (H. J. Res. 226) authorizing the Secretary of War to loan certain tents for use at the festival encampment of the North American Gymnastic Union, to be held at Cincinnati, Ohio, in June, 1909, and I submit a report (No. 962) thereon. I ask unanimous consent for the present consideration of the joint resolution.

The Secretary read the joint resolution; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### INDUSTRIAL PEACE COMMITTEE.

Mr. CLARK of Wyoming. From the Committee on the Judiciary, I report back the bill (H. R. 19662) to amend an act entitled "An act to establish the Foundation for the Promotion of Industrial Peace." The Committee on Education and Labor has had under consideration a bill identical in form and substance, and I move that the Committee on the Judiciary be discharged from its further consideration, and that the bill be referred to the Committee on Education and Labor. I call the attention of the Senator from Virginia [Mr. DANIEL] to the bill.

Mr. DANIEL. Can not the motion be divided, and the question first put on discharging the committee?

The VICE-PRESIDENT. Without objection, the question will first be put as to whether the Committee on the Judiciary shall be discharged from the further consideration of the bill. The question is on agreeing to the motion to discharge the committee.

The motion was agreed to.



Mr. DANIEL. Mr. President, this bill is identical with a bill which has been recommended by the Committee on Education and Labor, and is now on the calendar. It is simply to amend the act to establish the Foundation for the Promotion of Industrial Peace in the matter of organization, as recommended by Secretary Straus. There can be no possible objection to it. It merely changes the membership by adding the trustees provided in the original act. A similar Senate bill has been before the Committee on Education and Labor and is recommended by it for passage. I ask that the bill now before the Senate be passed.

The VICE-PRESIDENT. The Senator from Virginia asks unanimous consent for the present consideration of the bill. It will be read for the information of the Senate.

Mr. HALE. I am very desirous of getting an important appropriation bill through to-day. I must object to the consideration of anything that will give rise to debate.

Mr. DANIEL. There is no possible chance for debate. Secretary Straus thus sums up the amendments, which are by the bill made to the act that was passed some two years ago:

The amendment provides that the "Industrial Peace Committee" shall consist of 16 members instead of 9, as now provided, and shall include the 7 trustees created by the act.

I have also drafted an amendment to section 3, which does away with the necessity of calling an annual conference with the representatives of capital and labor for the purpose of discussing industrial problems.

These are the only changes in the act to establish the Foundation for the Promotion of Industrial Peace, under which the President awarded the Nobel prize. The substantial parts of the measure are already the law of the land.

Mr. HALE. What committee reports the bill?

Mr. DANIEL. It was reported from the Committee on Education and Labor.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill.

Mr. HALE. My attention has been called to the fact that the Senator from Rhode Island [Mr. ALDRICH] is not here, who objected the other day to the consideration of the bill, and I think I must object, in order that he may have an opportunity to examine it.

Mr. DANIEL. The Senator from Rhode Island objected under a misconception. The proposed law merely makes two changes in the organization.

Mr. HALE. I have stated the reason. The Senator from Rhode Island who objected to the bill is not here.

Mr. DANIEL. He objected under a misapprehension of the bill.

Mr. HALE. I know the Senator was very strong in his objection. It had better lie over until he is here.

The VICE-PRESIDENT. The question is on the motion of the Senator from Wyoming, that the bill be referred to the Committee on Education and Labor.

Mr. DANIEL. The bill has already been recommended by that committee. I ask that it be placed on the calendar.

The VICE-PRESIDENT. The question is, Shall the bill be referred to the Committee on Education and Labor?

The motion was agreed to.

#### THE SECRET SERVICE.

Mr. HEMENWAY. From the Committee on Appropriations I present a report, and I ask that the report be read.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read the report.

The Secretary read the report (No. 970), as follows:

The Committee on Appropriations, to whom was referred Senate resolution 233, given below, submit the following preliminary report:

"Resolved, That that portion of the annual message of the President relating to the Secret Service is hereby referred to the Committee on Appropriations, who are instructed to inquire whether the legislation referred to in the message has impaired the efficiency or sufficiency of the force employed in the Secret Service; and such committee are further directed to ascertain what persons other than those included in the Secret Service were paid from the Public Treasury during the fiscal year ended June 30, 1908, for services in connection with the enforcement of the laws or for work in the detection or investigation of possible crimes or criminal acts or violations of law, including all special attorneys, special agents, inspectors, or other employees of any department of the Government or any branch of the public service, and also same information as to all persons whose employment was authorized by indefinite or general appropriations; the information to contain the names of all persons so employed or paid, their previous occupation, the nature of the work in which they were engaged, by whom they were appointed, and upon whose suggestion or recommendation; the inquiry, however, not to include officers appointed by the President and confirmed by the Senate, or officers specifically provided for by law, or laborers appointed as such and actually engaged in employment as laborers.

"For the purpose of carrying out the instructions of the Senate, the Committee on Appropriations are hereby authorized, by subcommittee or otherwise, to sit during the sessions or recess of the Senate, to send for persons and papers, to subpoena witnesses, to administer oaths, to examine witnesses under oath, and to employ such clerical and other as-

sistance as shall enable the committee to report fully and promptly upon the matters contained in this inquiry, the expenses of the investigation to be paid from the contingent fund of the Senate, upon vouchers approved by the acting chairman of the Committee on Appropriations; and said committee are further directed to report as soon as practicable, from time to time, the results of their inquiry, and to make such recommendations as they may see fit with reference thereto, and further to report what action, if any, in the judgment of the committee, the Senate should take with reference to that portion of the message."

This resolution (S. 233) was adopted by the Senate on December 16, 1908, and it authorizes the Committee on Appropriations to make inquiry into certain legislation referred to by the President in his message to Congress. That portion of the President's message which gave rise to the adoption of this resolution reads as follows:

#### "SECRET SERVICE.

"Last year an amendment was incorporated in the measure providing for the Secret Service, which provided that there should be no detail from the Secret Service and no transfer therefrom. It is not too much to say that this amendment has been of benefit only, and could be of benefit only to the criminal classes. It deliberately introduced for the purpose of diminishing the effectiveness of war against crime it could not have been better devised to this end. It forbade the practices that had been followed to a greater or less extent by the executive heads of various departments for twenty years. To these practices we owe the securing of the evidence which enabled us to drive great lotteries out of business and secure a quarter of a million dollars in fines from their promoters. These practices have enabled us to discover some of the most outrageous frauds in connection with the theft of government land and government timber by great corporations and by individuals. These practices have enabled us to get some of the evidence indispensable in order to secure the conviction of the wealthiest and most formidable criminals with whom the Government has to deal, both those operating in violation of the antitrust law and others.

"The amendment in question was of benefit to no one excepting to these criminals, and it seriously hampers the Government in the detection of crime and the securing of justice. Moreover, it not only affects departments outside of the Treasury, but it tends to hamper the Secretary of the Treasury himself in the effort to utilize the employees of his department so as to best meet the requirements of the public service. It forbids him from preventing frauds upon the customs service, from investigating irregularities in branch mints and assay offices, and has seriously crippled him. It prevents the promotion of employees in the Secret Service, and this further discourages good effort. In its present form the restriction operates only to the advantage of the criminal, of the wrongdoer. The chief argument in favor of the provision was that the Congressmen did not themselves wish to be investigated by secret-service men. Very little of such investigation has been done in the past; but it is true that the work of the secret-service agents was partly responsible for the indictment and conviction of a Senator and a Congressman for land frauds in Oregon. I do not believe that it is in the public interest to protect criminals in any branch of the public service, and exactly as we have again and again during the past seven years prosecuted and convicted such criminals who were in the executive branch of the Government, so in my belief we should be given ample means to prosecute them if found in the legislative branch. But if this is not considered desirable a special exception could be made in the law prohibiting the use of the secret-service force in investigating Members of the Congress. It would be far better to do this than to do what actually was done, and strive to prevent, or at least to hamper, effective action against criminals by the executive branch of the Government."

The amendment referred to by the President in his message is an amendment to the sundry civil appropriation bill making appropriations for the fiscal year ending June 30, 1909, and the amendment reads as follows:

"No part of any money appropriated by this act shall be used in the payment of compensation or expense of any person detailed or transferred from the Secret Service of the Treasury Department or (and) who may at any time during the fiscal year 1909 have been employed by or under said Secret Service Division."

Your committee has taken occasion to make some investigation into the origin and purpose of legislation creating the secret-service force in the Treasury Department and find that in 1857 the following joint resolution was adopted:

"Resolved, That the Secretary of the Treasury be authorized to cause inquiry to be made by two competent commissioners into processes and means claimed to have been discovered by J. T. Barclay for preventing the abrasion, counterfeiting, and deterioration of the coins of the United States, and to report the results of the said inquiry to Congress at its next session, with his opinion as to the probable value of the alleged discoveries; and the sum of \$2,500, out of any money of the Treasury not otherwise appropriated, is hereby appropriated for that purpose." (Approved Feb. 26, 1857.) (Stat. L., vol. 2, p. 254.)

In 1860 an appropriation of \$5,000 was made by Congress to be expended under the above resolution. (Stat. L., vol. 12, p. 83.) The following appropriations were subsequently made:

Fiscal year 1861, "For the detection and bringing to trial persons engaged in counterfeiting the coin of the United States, to be expended under the direction of the Secretary of the Treasury, \$10,000." (Stat. L., vol. 12, p. 102.)

Fiscal year 1865, "For the purpose of meeting any expenses in detecting and bringing to trial and punishment persons engaged in counterfeiting Treasury notes, bonds, or other securities of the United States, as well as the coin of the United States; \* \* \* \$100,000." (Stat. L., vol. 13, p. 351.)

Fiscal year 1866, same purposes, \$50,000. (Stat. L., vol. 14, p. 22.)

Fiscal year 1867, same purposes, \$150,000. (Stat. L., vol. 14, p. 310.)

Fiscal year 1868, same purposes, \$150,000. (Stat. L., vol. 14, p. 455.)

Fiscal year 1868, deficiency, "For detecting and bringing to trial and punishment persons engaged in counterfeiting Treasury notes, bonds, and other securities of the United States, as well as the coin of the United States, and other frauds on the revenue, \$25,000." (Stat. L., vol. 15, p. 173.)

In appropriating for fiscal year 1869, Congress varied the language contained in the above provision in the deficiency bill and used the following language:

"For detecting and bringing to trial and punishment persons engaged in counterfeiting Treasury notes, bonds, and other securities, as well as the coins of the United States, and other frauds upon the Government, \$150,000." (Stat. L., vol. 15, p. 111.)

This language was adhered to by subsequent Congresses until 1872, when the following provision was enacted:

"For detecting and bringing to trial persons engaged in counterfeiting Treasury notes, national-bank notes, bonds, and other securities of



the United States, as well as the coins of the United States, and other frauds upon the Government, \$125,000." (Stat. L., vol. 18, p. 497.)

For fiscal year 1873 the same amount was appropriated as was appropriated in the previous year, but the words "national-bank notes" and the words "as well as the coins of the United States" were omitted.

The language of the statute of 1874 for the same purpose is as follows:

"For detecting and bringing to trial and punishment persons engaged in counterfeiting Treasury notes, bonds, national-bank notes, and other securities of the United States and the coinage thereof, and for detecting other frauds upon the Government, \$125,000." (Stat. L., vol. 17, p. 512.)

The language of the statute of 1875 is as follows:

"For detecting and bringing to trial and punishment persons engaged in counterfeiting Treasury notes, bonds, national-bank notes, and other securities of the United States and the coinage thereof, and for detecting other frauds upon the Government, to be disbursed under the direction of the Secretary of the Treasury, \$125,000." (Stat. L., vol. 18, p. 206.)

Fiscal year 1876, same purposes, \$125,000. (Stat. L., vol. 18, p. 375.)

Fiscal year 1877, same purposes, \$100,000. (Stat. L., vol. 19, p. 109.)

Fiscal year 1878, same purposes, \$100,000. (Stat. L., vol. 19, p. 354.)

The language of the statute of 1879 is as follows:

"For detecting and bringing to trial and punishment persons engaged in counterfeiting Treasury notes, bonds, national-bank notes, and other securities of the United States, as well as coins of the United States, and other frauds on the Government, \$100,000." (Stat. L., vol. 20, p. 217.)

The language of the statute for 1880 is as follows:

"For detecting and bringing to trial and punishment of persons engaged in counterfeiting Treasury notes, bonds, national-bank notes, and other securities of the United States, as well as the coins of the United States, and other crimes against the Government, and for no other purpose whatever, \$60,000." (Stat. L., vol. 20, p. 384.)

The language of the statute for 1881 is as follows:

"For detecting and bringing to trial and punishment persons engaged in counterfeiting Treasury notes, bonds, national-bank notes, and other securities of the United States, as well as the coins of the United States, and robbing mails, and other felonies, committed against the United States relating to postal service, the pay and bounty laws, and against the laws relating to the revenue service, and for no other purposes whatever, \$80,000." (Stat. L., vol. 21, p. 265.)

The language of the statute for 1882 is as follows:

"For detecting and bringing to trial and punishment persons engaged in counterfeiting Treasury notes, bonds, national-bank notes, and other securities of the United States, as well as the coins of the United States, and other felonies committed against the law of the United States relating to the pay and bounty laws, and for no other purpose whatever, \$80,000." (Stat. L., vol. 21, p. 441.)

Fiscal year 1883, same purposes, \$67,000. (Stat. L., vol. 22, p. 313.) In addition to the foregoing lump sum for 1883, specific appropriations were made for salaries of the chief and for other employees in the "Secret Service Division" in the Treasury Department amounting to \$12,980. (Stat. L., vol. 22, p. 230.)

The latter appropriation, and similar ones for every year since, was made because of the act of 1882 (Stat. L., vol. 22, p. 255), requiring specific appropriations to be made for salaries of all persons employed in the executive departments at Washington.

Fiscal year 1884, same purposes, \$67,000. (Stat. L., vol. 22, p. 612.)

Fiscal year 1885, same purposes, \$60,000. (Stat. L., vol. 23, p. 206.)

Fiscal year 1886, same purposes, \$60,000. (Stat. L., vol. 23, p. 495.)

Fiscal year 1887, same purposes, \$60,000. (Stat. L., vol. 24, p. 237.)

Fiscal year 1888, same purposes, \$60,000. (Stat. L., vol. 24, p. 524.)

Fiscal year 1889, same purposes, \$64,000, including \$4,000 to make the necessary investigation of claims for reimbursement of expenses incident to last sickness and burial of deceased pensioners under section 4718 of the Revised Statutes. (Stat. L., vol. 25, p. 524.)

Fiscal year 1890, same purposes, \$64,000. (Stat. L., vol. 25, p. 956.)

Fiscal year 1891, same purposes, \$69,000, including \$5,000 for the necessary investigation of violations of section 5209 (national-bank embezzlement) of the Revised Statutes. (Stat. L., vol. 26, p. 386.)

Fiscal year 1892, same purposes, \$75,000. (Stat. L., vol. 26, p. 968.)

Fiscal year 1893, "For detecting, arresting, and delivering into the custody of the United States marshal having jurisdiction dealers and pretended dealers in counterfeit money, and persons engaged in counterfeiting Treasury notes, bonds, national-bank notes, and other securities of the United States and of foreign governments, as well as the coins of the United States and of foreign governments, etc., \$70,000." (Stat. L., vol. 27, p. 365.)

Fiscal year 1894, "For expenses incurred under the authority or with the approval of the Secretary of the Treasury in detecting, etc.: Provided, That no part of this amount be used in defraying the expenses of any person subpoenaed by the United States courts to attend any trial before a United States court or preliminary examination before any United States commissioner, \$60,000." (Stat. L., vol. 27, p. 589.)

Fiscal year 1895, same purposes, except inquiry as to violations of section 5209, Revised Statutes, embezzlement from national banks, omitted and not included thereafter, \$60,000. (Stat. L., vol. 28, p. 390.)

Fiscal year 1896 and fiscal year 1897, same purposes, \$65,000 each year. (Stat. L., vol. 28, p. 931; vol. 29, p. 430.)

Fiscal year 1898, same purposes, \$75,000. (Stat. L., vol. 30, p. 28.)

Fiscal years 1899, 1900, 1901, 1902, 1903, 1904, 1905, 1906: Law remained the same for each of these years.

In 1907 Congress enlarged the work of the Secret Service Division by adding the following provision: "Except in the protection of the person of the President of the United States." Otherwise the law remained unchanged.

No further change was made in relation to the authority of the Secret Service until the amendment in the sundry civil act making appropriations for the year 1909, which is as follows:

"No part of any money appropriated by this act shall be used in the payment of compensation or expense of any person detailed or transferred from the Secret Service of the Treasury Department or (and) who may at any time during the fiscal year 1909 have been employed by or under said Secret Service Division."

It would appear from reference to the various statutes relating to the secret-service work of the Treasury Department that Congress has from time to time temporarily broadened or limited the scope of this work, following in most instances the recommendations of the Secretary of the Treasury, and that it has been the intention of Congress since 1857 to limit the operation of the employees paid from this fund to investigations of counterfeiting and similar frauds incident thereto.

#### CUSTOM OF DETAILING OR LOANING SECRET-SERVICE AGENTS TO DEPARTMENTS.

From the testimony of the heads of various departments furnished the committees of Congress in relation to this matter, it would seem that previous to the current fiscal year a custom had grown up whereby the secret-service employees of the Treasury Department were, upon the demand of any department, loaned or detailed to such department, and paid from the funds of the department to which they were detailed or loaned, and after the particular work to which they had been assigned was finished, they were again returned to the Secret Service Division of the Treasury Department, in the meanwhile remaining on the rolls of the Secret Service Division and reporting to the chief of that division.

The effect of the amendment in the sundry civil bill for the current year is that if such transfers or details are made for the use of other departments or divisions such employees detailed can not be paid from any money appropriated by the sundry civil act. This amendment of itself does not prohibit any department or division from using such employees, provided they are paid from the appropriations other than those contained in the sundry civil act. However, it does not appear to your committee that it has ever been the intention of any Congress to build up a secret-service force under one particular head to make all classes of investigations other than those enumerated in the statute against counterfeiting, etc., and have such secret-service force working for one department, yet under the control of and reporting to a chief in another department. In the land-fraud investigation it appears that agents were detailed from the Secret Service Division of the Treasury Department to the Department of Justice and there assigned to land-fraud cases. Thus there was the situation of agents of one department loaned to another to investigate violations of laws under the administration of still another department and reporting back to the Secret Service Division, which had nothing to do with the administration of the laws violated or with the prosecution of the violators. As to whether a system of this character would or would not be desirable is another question, but such an arrangement does not appear to have ever been the intention of any Congress.

Your committee are of the opinion that Congress should make ample provision for the apprehension and conviction of all violators of the federal laws, and it is our opinion, as shown by the facts, that never before in the history of the Government has Congress so amply provided for the detection and prosecution of violations of the laws.

#### LAND-FRAUD INVESTIGATIONS BY THE INTERIOR DEPARTMENT.

Your committee has made inquiry into the work of the Interior Department, which has jurisdiction over the public lands and the execution of the land laws and land frauds, about which much has been said, and while this investigation of necessity has not been as thorough as it must be in order to comply with all the requirements of the resolution (S. 233), we have been able to arrive at some conclusions as to whether or not Congress has in any manner hampered the investigation and apprehension of crimes under the jurisdiction of the Interior and other departments, and also as to whether the amendment to the sundry civil bill has worked as a hindrance to justice in these matters.

It appears by the testimony of the Secretary of the Interior, given below, that but one agent from the Secret Service Division of the Treasury Department was ever detailed to the Interior Department to work on land-fraud cases:

"The CHAIRMAN. As a matter of fact, Mr. Secretary—and if I am not correct in my statement you can correct me—the Interior Department has never had but one man detailed from the Secret Service Division of the Treasury Department for the investigation of land frauds, and that man's name was Burns.

"Secretary GARFIELD. So far as the records show, I do not know of any other one." (Hearings on sundry civil bill, January 29, 1909, H. R.)

It further appears from testimony of Secretary Garfield that when he became Secretary of the Interior the matter of administering the land laws and investigating frauds was in a very chaotic and unsatisfactory condition. It appeared that the system of having secret-service employees from another department working on land matters under the control of some other chief frequently resulted in conflict and friction. The Department of Justice, being the department in which prosecutions were conducted, had detailed to investigation of land frauds secret-service employees who were evidently working at cross-purposes with the agents of the Interior Department. It does not appear who the secret-service men were, but the testimony indicates that they were detailed to the Department of Justice from the Secret Service Division of the Treasury Department. To meet and remedy this condition it appears that the Secretary of the Interior and the Attorney-General entered into an arrangement whereby agents of the Interior Department were to have sole charge of land-fraud matters until the cases were worked up and ready for prosecution, at which time they would be turned over to the Department of Justice. In reference to this arrangement it is proper to note the following statement by Secretary Garfield:

"The CHAIRMAN. The conditions prior to the making of this arrangement in the matter of investigating land frauds were not satisfactory?

"Secretary GARFIELD. The conditions were not satisfactory. There was a force under the Department of Justice that was doing work of which the Land Office had no information, and I found that they were engaged upon cases upon which our own men were engaged, and there was overlapping of work, conflict, and friction between the two bodies of men; and it was only after months of inquiry that the Attorney-General and I were able to get a clear and definite statement of exactly what cases were being worked up, whether they were old cases, or whether they were instituting new cases; and as soon as we got that information we did away with the independent force under the Department of Justice instituting new cases." (P. 461, sundry civil hearings, Jan. 29, 1909, H. R.)

All the evidence goes to show that the Secretary of the Interior and the Attorney-General entered into this arrangement not because of any limitation by Congress as to the use of secret-service agents, but because the previous arrangement was unsatisfactory.

The Secretary of the Interior testified (p. 462, sundry civil hearings, Jan., 1909, H. R.) that he had not used secret-service men during the fiscal year 1908 and that he did not contemplate their future use.

In fact, evidence from other sources has been brought to the attention of your committee indicating that agents of the Secret-Service Division of the Treasury Department were not considered desirable for investigation of land-fraud cases, because of their lack of knowledge of the land laws and lack of knowledge of the character of evidence that would be admissible in courts and sufficient to sustain a cause of action. Your



committee, however, has not had sufficient opportunity to verify these allegations, but they appear to be founded on facts.

CONGRESS HAS COOPERATED WITH INTERIOR DEPARTMENT FOR BETTER ADMINISTRATION OF LAW.

The multiplicity of land-fraud matters, and the laxity in the enforcement of these laws and in the apprehension of criminals, can in no wise be charged to Congress, for in only one instance in nine years has Congress failed to appropriate the amount asked for by the Interior Department, and in some instances has exceeded the estimate, and for the last five years Congress has at no time appropriated less than the amount asked for for this purpose. For the fiscal year 1908 Congress appropriated for this branch of the service in the Interior Department \$250,000. For the fiscal year 1909, the year that the sundry civil amendment referred to in the President's message was in effect, Congress doubled the appropriation for the investigating branch of the Interior Department and gave them \$500,000. In this connection it is proper to note the following statement made by the Secretary of the Interior before the Appropriation Committee of the House of Representatives on sundry civil hearings this session of Congress:

"The CHAIRMAN. As a matter of fact, Mr. Secretary, there is nothing in the record to show that it could be attributed in any way to the failure on the part of Congress to provide all the money that it was estimated to be necessary for the service.

"Secretary GARFIELD. You are quite right. There has never been any criticism by me made of the action of Congress in giving the department the appropriations that have been asked for this purpose, and I simply attribute the conditions we find now to the fact that there was not the present keenness for careful administration and careful investigation and examination of the work itself and the methods of conducting that work. (P. 471, sundry civil hearings, Jan. 29, 1909, H. R.)

"Secretary GARFIELD. \* \* \* Our own officers have been negligent in not using good common sense in acting upon the cases that have come before them. The basis of the land system is the work of the register and receiver. If you have not men that are straight, with knowledge of their districts, and with legal ability on the part of the register and of ordinary business sense on the part of the receiver, then we are going to have things radically wrong. I think that much of the difficulty in land administration has been due to the failure to get the right sort of men as registers and receivers, and we have made a very great effort, and have had the hearty cooperation of the Members of the House and Senate in getting a better class of men for these positions, so that now we have very much less difficulty of that kind than we had before. Further, the inspection service that has gone into these offices during the last year has caused a number of recommendations resulting in changes of registers and receivers because they were men not fitted to carry on the work in the way that it ought to be carried on." (P. 482, sundry civil hearings, Jan. 30, 1909, H. R.)

In view of the testimony of the Secretary of the Interior, and in view of the increased appropriation given the Interior Department for the investigation of frauds, your committee are of the opinion that the amendment to the sundry civil bill referred to in the President's message has in no wise hampered the work of the Interior Department in relation to land-fraud matters, as but one agent of the Secret Service Division of the Treasury Department has ever been detailed to that department—none were used last year—and the Secretary of the Interior said that he had not contemplated using any in the future, and that owing to the fact that Congress doubled the appropriation for the purpose of investigating frauds under the jurisdiction of the Interior Department, and that the Department of Justice and the Interior Department have entered into an arrangement to handle these matters without conflicting, there has been more work done along the lines of proper administration of the law up to date of the current fiscal year than was ever done before in the same period of time in the history of the Government.

SECRET-SERVICE FORCE HAS BEEN ENTIRELY OCCUPIED IN COUNTERFEITING INVESTIGATIONS AND IN PROTECTING THE PRESIDENT.

Another matter which is relevant in considering this question is what assistance, if any, could have been rendered the various departments by the secret-service employees of the Treasury Department up to date during the current fiscal year in investigation of crimes had no limitation been placed upon their transfer or detail. In this connection it is proper to note the following statement by the Chief of the Secret Service Division:

"The CHAIRMAN. On what basis do you estimate \$135,000 for the next fiscal year, which is \$10,000 in excess of any amount ever appropriated for this service?

"Mr. WILKIE. I estimate that because our expenses for the first half of this year have been practically half of that amount; and if we are to get through, and the business keeps up as it is, we will have to have that amount of money or hang up or discontinue the service altogether for thirty to forty-five days when we get to the end of the fiscal year. When we were confronted by this condition and found counterfeiters active all over the country, I went to the Secretary and said to him, 'We have got to spend more than we would spend if we made a monthly allotment and were held rigidly in it.' It is, of course, quite difficult in our service to say what we will have to spend in a particular month. There might come an emergency where we would have to spend \$50,000 in a month. I told the Secretary how things were, and that we would either have to get after them or let them go, and he told me to go ahead." (P. 212, sundry civil hearings, H. R. Feb., 1909.)

A reference to the previous appropriations for the Secret Service Division of the Treasury Department will show that in previous years when there were no limitations upon the detail or transfer of these agents, that in several instances money appropriated for this division was turned back into the Treasury unused, as was the case in 1907 and 1908. But during the current fiscal year, with the Secret Service Division limited to work in suppressing counterfeiting and protecting the person of the President, they have all the work they can do, and an increase of \$20,000 is asked for this division for the next fiscal year. It would appear from this that this division has all it can do in performing the duties for which it was originally intended. The force, however, has been reduced from 65 men to 56 men, thereby cutting off the service of 9 men. But according to the testimony of the Chief of the Secret Service Division, these men are now employed in the Department of Justice, where the Government still has the advantage of their experience and training in this work.

FORMER METHOD OF DETAILING SECRET-SERVICE EMPLOYEES TO THE DEPARTMENT OF JUSTICE NOT CONSIDERED DESIRABLE BY THE ATTORNEY-GENERAL.

Had Congress placed no limitation upon the use of secret-service employees from the Treasury Department and had given an increased ap-

propriation, additional men could no doubt have been employed by this division and perhaps some could have been detailed to other departments. As to the desirability of this plan it is interesting to note the following statement made by the Attorney-General:

"The CHAIRMAN. The next item is, 'Detection and prosecution of crimes.'

"Mr. BONAPARTE. There, Mr. Chairman, is rather an important matter to be considered. This would be the place, if it is thought proper, to insert language which would allow us to organize a permanent force of our own, so as to get rid of the employment of secret-service men, of bank examiners, and of other persons loaned to us—not loaned in the sense of being loaned gratuitously, but hired to us by other departments. That would be the proper place in which to put in an increase of appropriation for that purpose. It would decrease the miscellaneous expenses of the United States courts, and would probably come in this place under the provision for the detection of crime. I have already stated my views pretty fully to the committee on that point." (Sundry civil hearings, p. 773, H. R., Apr. 2, 1908.)

It will be seen that the system in vogue previous to the current fiscal year was not considered a desirable one either by the Attorney-General or by the Secretary of the Interior. In fact, the Chief of the Secret Service Division himself admits, as is shown by the following statement, that the proper place for a secret-service force for general work is under the Department of Justice:

"Mr. WILKIE. \* \* \* I grant you that the ideal situation would be to have under the direction of the Attorney-General in the Department of Justice a well-trained force that could be used for the purpose of gathering evidence in all these cases. That is where investigating forces really belong, in my opinion. They should be in the Department of Justice. The cases have to go there eventually. All our cases go to the department of prosecution." (Sundry civil hearings, p. 236, H. R., Jan., 1909.)

Congress has made an appropriation for the employment of secret-service agents by the Department of Justice, and that department has at present such a force organized; and it is the opinion of your committee, that with the exception of a small force in the Treasury Department for use in investigating counterfeiting and protecting the person of the President of the United States, the Department of Justice is the proper place for the employment of secret-service agents, as it is the department to which finally all violations of the law must be reported and which must conduct the prosecutions and trials. There is appended to and made a part of this report (marked "appendix") a list of appropriations for the fiscal years 1908 and 1909, from which the attitude of Congress may be determined.

If the amendment to the sundry civil bill for the current year 1909 has operated as a restriction upon the use of the employees of the Secret Service Division of the Treasury Department, such restriction is so technical and limited in character that it does not appear sufficient to warrant the impugning of the motives of Congress in adopting the amendment. No Congress in the history of the Government has so liberally supported the executive branch of the Government by appropriations to aid in the execution of law as has the Sixtieth Congress. The scope of the work of the Secret Service Division of the Treasury Department might be enlarged so as to enable them to investigate violations of law under the jurisdiction of that department, but to give them authority to conduct all governmental investigations would, in the opinion of your committee, be very unwise and result in much conflict and friction between the various departments.

It has never been the intention of any Congress to build up a spy system of that character. The Department of Justice, to which ultimately all prosecutions for violations of law must be referred, should have secret-service agents to enable that department to properly conduct such prosecutions. It has not appeared to your committee that there are any violations of federal laws that the Department of Justice has not the authority to investigate, including lotteries, trusts, customs frauds, and all others, except, perhaps, counterfeiting. That department now has a secret-service force of its own which will no doubt be increased as future needs demand it.

The resolution (S. 233) under which this committee is operating is very comprehensive, and it will take considerable time to collect the information to comply with its requirements. There appears to be a considerable field for useful investigation along the lines suggested in the resolution. There has come to the attention of your committee alleged cases of misuse and improper official conduct of secret-service employees, but your committee has not had the time nor opportunity to verify these, as well as many other reports conveying alleged information relating to the subjects contemplated by the resolution. It is the opinion of your committee that this investigation should continue until all the facts in reference to specific charges can be thoroughly investigated and until all other information called for by the resolution can be collected and embraced in a report to the Senate with the recommendation of the committee as to future legislation affecting these matters.

APPENDIX.

*Appropriations made at the first session of the Sixtieth Congress for the fiscal year 1909 and at the second session of the Fifty-ninth Congress for the fiscal year 1908 that could be used to prevent frauds in and depredations upon the several branches of the public service, including the protection of public lands and their products from fraudulent entry or appropriation, and to apprehend and punish persons charged with violation of the laws of the United States.*

[The reference following each item is to the Statutes at Large, United States, volume and page.]

|   | Fiscal year<br>1909. | Fiscal year<br>1908. |
|---|----------------------|----------------------|
| <i>In sundry civil act.</i>   |                      |                      |
| Interstate Commerce Commission: For all other authorized expenditures, necessary in the execution of laws to regulate commerce, of which sum not exceeding \$50,000 may be expended in the employment of counsel, and not exceeding \$2,000 may be expended for the purchase of necessary books, reports, and periodicals, and not exceeding \$1,500 may be expended for printing other than that done at the Government Printing Office. | \$700,000.00         | \$603,245.00         |

Appropriations made at first session of Sixtieth Congress for fiscal year 1909 and at second session of Fifty-ninth Congress for fiscal year 1908 that could be used to prevent frauds in and depredations upon the public service, etc.—Continued.

|   | Fiscal year<br>1909. | Fiscal year<br>1908. |
|---|----------------------|----------------------|
| <i>In sundry civil act—Continued.</i>   |                      |                      |
| To further enable the Interstate Commerce Commission to enforce compliance with section 20 of the act to regulate commerce as amended by the act approved June 29, 1906, including the employment of necessary special agents or examiners.....   | \$350,000.00         |                      |
| To carry out the objects of the "Act concerning carriers engaged in interstate commerce and their employees," approved June 1, 1898.....  | 10,000.00            | \$10,000.00          |
| To enable the Interstate Commerce Commission to keep informed regarding compliance with the "Act to promote the safety of employees and travelers upon railroads," approved March 2, 1893, and to execute and enforce the requirements of the said act, including the employment of inspectors. Hereafter all inspectors employed for the enforcement of said act shall also be required to make examination of the construction, adaptability, design, and condition of all mail cars used on any railroad in the United States and make report thereon, a copy of which report shall be transmitted to the Postmaster-General (vol. 35, p. 324; vol. 34, p. 1311).....  | 100,000.00           | 100,000.00           |
| General Inspector of supplies for public buildings: For one general inspector, under the direction of the Secretary of the Treasury, to be appointed by the President, by and with the advice and consent of the Senate, whose duty it shall be to inspect public buildings under the control of the Treasury Department, and report on the efficiency of the custodians' forces, and the use of fuel, lights, water, miscellaneous supplies, etc., \$2,000; and for actual necessary traveling expenses, not exceeding \$2,000; in all.....  | 5,000.00             | 5,000.00             |
| Inspector of furniture and other furnishings for public buildings: To enable the Secretary of the Treasury to employ a suitable person to inspect all public buildings and examine into their requirements for furniture and other furnishings, \$2,500; and for actual necessary traveling expenses, including actual traveling expenses of assistant, not exceeding \$3,000; in all.....  | 5,500.00             | 5,500.00             |
| For assistant inspector of furniture and other furnishings for public buildings, \$1,600 (vol. 35, p. 327; vol. 34).....  | 1,600.00             | 1,600.00             |
| Suppressing counterfeiting and other crimes: For expenses incurred under the authority or with the approval of the Secretary of the Treasury in detecting, arresting, and delivering into the custody of the United States marshal having jurisdiction, dealers and pretended dealers in counterfeit money, and persons engaged in counterfeiting Treasury notes, bonds, national bank notes, and other securities of the United States and of foreign governments, as well as the coins of the United States and of foreign governments, and other felonies committed against the laws of the United States relating to the pay and bounty laws, including \$1,000 to make the necessary investigation of claims for reimbursement of expenses incident to the last sickness and burial of deceased pensioners under section 4718 of the Revised Statutes, the act of March 2, 1895, and for no other purpose whatever, except in the protection of the person of the President of the United States: <i>Provided</i> , That no part of this amount be used in defraying the expenses of any person subpoenaed by the United States courts to attend any trial before a United States court or preliminary examination before any United States commissioner, which expenses shall be paid from the appropriation for "Fees of witnesses, United States courts" (vol. 35, p. 328; vol. 34, p. 1315)..... | 115,000.00           | 125,000.00           |
| Compensation in lieu of moiety: For compensation in lieu of moiety in certain cases under the customs-revenue laws (vol. 35, p. 329; vol. 34, p. 1315).....   | 25,000.00            | 20,000.00            |
| For the detection and prevention of frauds upon the customs revenue (vol. 35, p. 328; vol. 34, p. 1315).....  | 200,000.00           | 200,000.00           |
| Punishment for violations of internal-revenue laws: For detecting and bringing to trial and punishment persons guilty of violating the internal-revenue laws or conniving at the same, including payments for information and detection of such violations; and the Commissioner of Internal Revenue shall make a detailed statement to Congress once in each year as to how he has expended this sum, and also a detailed statement of all miscellaneous expenditures in the Bureau of Internal Revenue for which appropriation is made in this act (vol. 35, p. 325; vol. 34, p. 1312).....   | 125,000.00           | 100,000.00           |
| Alaskan seal fisheries: For salaries of agents at seal fisheries in Alaska, as follows: For one agent, \$3,650; one assistant agent, \$2,920; two assistant agents, at \$2,190 each; janitor service  |                      |                      |

Appropriations made at first session of Sixtieth Congress for fiscal year 1909 and at second session of Fifty-ninth Congress for fiscal year 1908 that could be used to prevent frauds in and depredations upon the public service, etc.—Continued.

|   | Fiscal year<br>1909. | Fiscal year<br>1908. |
|---|----------------------|----------------------|
| <i>In sundry civil act—Continued.</i>   |                      |                      |
| at the government buildings at the Pribilof Islands, not exceeding \$480; in all (vol. 35, p. 343; vol. 34, p. 1329).....   | \$11,430.00          | \$11,430.00          |
| Enforcement of the Chinese-exclusion act: To prevent unlawful entry of Chinese into the United States, by the appointment of suitable officers to enforce the laws in relation thereto, and for expenses of returning to China all Chinese persons found to be unlawfully in the United States, including the cost of imprisonment and actual expense of conveyance of Chinese persons to the frontier or seaboard for deportation, which shall be paid from the permanent appropriation for expenses of regulating immigration, and of said sum \$1,000 per annum shall be paid to the Commissioner-General of Immigration as additional compensation (vol. 35, p. 343; vol. 34, p. 1329).....   | 500,000.00           | 500,000.00           |
| Depredations on public timber, protecting public lands, and settlement of claims for swamp land and swamp-land indemnity: To meet the expenses of protecting timber on the public lands, and for the more efficient execution of the law and rules relating to the cutting thereof; of protecting public lands from illegal and fraudulent entry or appropriation, and of adjusting claims for swamp lands, and indemnity for swamp lands, to be immediately available, of which sum \$250,000 is for the purpose of bringing up the work of the General Land Office hereunder so as to make the same current: <i>Provided</i> , That agents and others employed under this appropriation shall be selected by the Secretary of the Interior, and allowed per diem, subject to such rules and regulations as he may prescribe, in lieu of subsistence, at a rate not exceeding \$3 per day each and actual necessary expenses for transportation, including necessary sleeping-car fares (vol. 35, p. 346; vol. 34, p. 1332)..... | 500,000.00           | 250,000.00           |
| Expenses of hearings in land entries: For expenses of hearings held by order of the Commissioner of the General Land Office to determine whether alleged fraudulent entries are of that character or have been made in compliance with law, and of hearings in disbarment proceedings (vol. 35, p. 348; vol. 34, p. 1332).....  | 35,000.00            | 9,000.00             |
| Harbor of New York: For prevention of obstructive and injurious deposits within the harbor and adjacent waters of New York City: For pay of inspectors, deputy inspectors, office force and expenses of office, \$10,260; for pay of crews and maintenance of 6 steam tugs and 1 launch, \$75,000; in all (vol. 35, p. 367; vol. 34, p. 1351).....  | 85,260.00            | 85,260.00            |
| Defending suits in claims against the United States: For defraying the necessary expenses incurred in the examination of witnesses and procuring of evidence in the matter of claims against the United States and in defending suits in the Court of Claims, including defense for the United States in the matter of French spoliation claims, to be expended under the direction of the Attorney-General (vol. 35, p. 374; vol. 34, p. 1358).....  | 20,000.00            | 20,000.00            |
| NOTE.—The foregoing appropriation was \$35,000 for 1908, but the difference between that sum and \$30,000 was taken up in specific salaries in the Attorney-General's Office for 1900.  |                      |                      |
| Detection and prosecution of crimes: For the detection and prosecution of crimes against the United States, preliminary to indictment; the investigation of official acts, records, and accounts of marshals, attorneys, clerks of the United States courts, and United States commissioners, for which purpose all the records and dockets of said officers, without exception, shall be examined by the agents of the Attorney-General at any time; the inspection of the United States prisoners and prisons; collection, classification, and preservation of criminal identification records, and their exchange with the officials of state and other institutions, to be expended under the direction of the Attorney-General, District of Columbia (vol. 35, p. 376; vol. 34, p. 1358).....  | 30,000.00            | 30,000.00            |
| NOTE.—The foregoing appropriation was \$65,000 for 1908, but the difference between that sum and \$30,000 was taken in specific salaries in the Attorney-General's Office for 1900.   |                      |                      |
| For payment of assistants to the Attorney-General and of assistants to United States district attorneys, employed by the Attorney-General to represent the United States in naturalization and other proceedings, and for other necessary expenses in connection with such proceedings and cases, which shall be paid from the permanent appropriation for expenses of regulating immigration (vol. 35, p. 376; vol. 34, p. 1361).....  | 150,000.00           | 100,000.00           |



Appropriations made at first session of Sixtieth Congress for fiscal year 1909 and at second session of Fifty-ninth Congress for fiscal year 1908 that could be used to prevent frauds in and depredations upon the public service, etc.—Continued.

|  | Fiscal year 1909. | Fiscal year 1908. |
|--|-------------------|-------------------|
| <i>In sundry civil act—Continued.</i>  |                   |                   |
| Enforcement of antitrust laws: That the balance of the appropriation of \$250,000, entitled "Enforcement of antitrust laws, 1907 and 1908," contained in the sundry civil appropriation act approved March 4, 1907, shall be available during the fiscal year 1909, and an additional appropriation of (vol. 35, p. 375; vol. 34, p. 1359).  | \$250,000.00      | \$250,000.00      |
| For payment of such miscellaneous expenses as may be authorized by the Attorney-General for the United States courts and their officers, including the furnishing and collecting of evidence where the United States is or may be a party in interest, and moving of records: <i>Provided</i> , That in so far as it may be deemed necessary by the Attorney-General this appropriation shall be available for such expenses in the district of Alaska (vol. 35, p. 377; vol. 34, p. 1351).  | 500,000.00        | 540,000.00        |
| <i>In the legislative, executive, and judicial appropriation act.</i>  |                   |                   |
| Secret Service Division: For 1 chief, \$4,000; assistant chief, \$3,000; 1 clerk of class 4; 1 clerk of class 3; 2 clerks of class 2; 1 clerk of class 1; 1 clerk, \$1,000; and 1 attendant, \$720; in all (vol. 35, p. 205; vol. 34, p. 953).   | 16,120.00         | 17,020.00         |
| For salaries of special agents, and for actual expenses of examiners detailed to examine the books, accounts, and money on hand at the several subtreasuries and depositories, including national banks acting as depositories under the requirements of section 3849 of the Revised Statutes of the United States, also including examinations of cash accounts at mints (vol. 35, p. 209; vol. 34, p. 990).  | 3,000.00          | 3,000.00          |
| Two special inspectors, whose employment shall be limited to the inspection of offices and the work in the several offices under the control of the Department of the Interior, at \$2,500 each (vol. 35, p. 224).   | 5,000.00          |                   |
| For per diem in lieu of subsistence of 2 special inspectors, Department of the Interior, while traveling on duty, at a rate to be fixed by the Secretary of the Interior, not exceeding \$3 per day, and for actual necessary expenses of transportation (including temporary employment of stenographers, typewriters, and other assistance outside of the District of Columbia, and for incidental expenditures necessary to the efficient conduct of examinations), to be expended under the direction of the Secretary of the Interior (vol. 35, p. 224).                                      | 4,000.00          |                   |
| Special land inspector, connected with the administration of the public-land service, to be appointed by the Secretary of the Interior and to be subject to his direction, \$2,500 (vol. 34, p. 973).  |                   | 2,500.00          |
| Five special inspectors, Department of the Interior, to be appointed by the Secretary of the Interior and to be subject to his direction, at \$2,500 each (vol. 34, p. 973).   |                   | 52,100.00         |
| For per diem in lieu of subsistence of 1 special land inspector connected with the administration of the public-land service, while traveling on duty, at a rate to be fixed by the Secretary of the Interior, not exceeding \$3 per day, and for actual necessary expenses of transportation (including temporary employment of stenographers, typewriters, and other assistance outside of the District of Columbia, and for incidental expenditures necessary to the efficient conduct of examinations), to be expended under the direction of the Secretary of the Interior (vol. 34, p. 974). |                   | 2,000.00          |
| For per diem in lieu of subsistence of 5 special inspectors, Department of the Interior, while traveling on duty, at a rate to be fixed by the Secretary of the Interior, not exceeding \$3 per day, and for actual necessary expenses of transportation (including temporary employment of stenographers, typewriters, and other assistance outside of the District of Columbia, and for incidental expenditures necessary to the efficient conduct of examinations), to be expended under the direction of the Secretary of the Interior (vol. 34, p. 974).                                      |                   | 10,000.00         |
| NOTE.—The foregoing reduction of 4 special inspectors and expenses therefor was recommended by the Secretary of the Interior in the annual estimates for 1909.   |                   |                   |
| Three inspectors of surveyors-general and district land offices, at \$2,000 each (vol. 35, p. 225; vol. 34, p. 975).   | 6,000.00          | 6,000.00          |
| For per diem in lieu of subsistence of inspectors and of clerks detailed to investigate fraudulent land entries, trespasses on the public lands, and cases of official misconduct, while traveling on duty, at a rate to be fixed by the Secretary of the Interior, not exceeding \$3 per day,   |                   |                   |

Appropriations made at first session of Sixtieth Congress for fiscal year 1909 and at second session of Fifty-ninth Congress for fiscal year 1908 that could be used to prevent frauds in and depredations upon the public service, etc.—Continued.

|   | Fiscal year 1909. | Fiscal year 1908. |
|---|-------------------|-------------------|
| <i>In the legislative, executive, and judicial appropriation act—Continued.</i>   |                   |                   |
| and for actual necessary expenses of transportation, including necessary sleeping-car fares, and for employment of stenographers and other assistants when necessary to the efficient conduct of examinations, and when authorized by the Commissioner of the General Land Office (vol. 35, p. 225; vol. 34, p. 975).   | \$7,000.00        | \$7,000.00        |
| For an additional force of 100 special examiners for one year, at a salary of \$1,300 each; and no person so appointed shall be employed in the States from which he is appointed; and any of those now employed in the Pension Office or as special examiners may be reappointed if they be found to be qualified (vol. 35, p. 227).   | 130,000.00        |                   |
| For an additional force of 125 special examiners for one year, at a salary of \$1,300 each; and no person so appointed shall be employed in the State from which he is appointed; and any of those now employed in the Pension Office or as special examiners may be reappointed if they be found to be qualified (vol. 34, p. 977).  |                   | 162,500.00        |
| For per diem, when absent from home and traveling on duty outside the District of Columbia, for special examiners or other persons employed in the Bureau of Pensions, detailed for the purpose of making special investigations pertaining to said bureau, in lieu of expenses for subsistence, not exceeding \$3 per day, and for actual and necessary expenses for transportation and assistance, and any other necessary expenses, including telegrams (vol. 35, p. 227; vol. 34, p. 977).  | 250,000.00        | 300,000.00        |
| NOTE.—The reduction in the number of special pension examiners and the sum for expenses was made for 1909 on the recommendation of the Commissioner of Pensions.  |                   |                   |
| Division of post-office inspectors: Chief inspector, \$4,000; chief clerk, \$2,000; 3 clerks of class 4; 8 clerks of class 3; 12 clerks of class 2; 16 clerks of class 1; 15 clerks, at \$1,000 each; 14 clerks, at \$900 each; 3 assistant messengers, and 1 laborer; in all (vol. 35, p. 232; vol. 34, p. 983).   | 90,620.00         | 10,620.00         |
| Six special agents, division of classification, at \$2,000 each (vol. 35, p. 233).  | 12,000.00         |                   |
| Four special agents, division of classification, at \$2,000 each.   |                   | 8,000.00          |
| For per diem allowance for special agents, division of classification, when actually traveling on business of the Post-Office Department, at a rate to be fixed by the Postmaster-General, not exceeding \$4, and for other actual and necessary traveling expenses arising in connection with the business of the division of classification (vol. 35, p. 234; vol. 34, p. 984).   | 7,000.00          | 7,000.00          |
| For compensation and per diem, to be fixed by the Secretary of Commerce and Labor, of special attorneys, special examiners, and special agents, for the purpose of carrying on the work of said bureau, as provided by the act approved February 14, 1903, entitled "An act to establish the Department of Commerce and Labor," the per diem to be, subject to such rules and regulations as the Secretary of Commerce and Labor may prescribe, in lieu of subsistence, at a rate not exceeding \$4 per day to each of said special attorneys, special examiners, and special agents, and also of other officers and employees in the Bureau of Corporations while absent from their homes on duty outside of the District of Columbia, and for their actual necessary traveling expenses, including necessary sleeping-car fares; in all (vol. 35, p. 238; vol. 34, p. 987). | 175,000.00        | 175,800.00        |
| For the purpose of carrying into effect the provisions of the act approved June 29, 1906, entitled "An act to establish a Bureau of Immigration and Naturalization, and to provide for a uniform rule for the naturalization of aliens throughout the United States," namely: Chief of Division of Naturalization, \$3,500; assistant chief of division, \$2,500; 3 clerks of class 4; 3 clerks of class 3; 5 clerks of class 2; 7 clerks of class 1; 4 clerks, at \$1,000 each; 2 clerks, at \$900 each; 1 messenger; 1 assistant messenger; in all (vol. 35, p. 240; vol. 34, p. 990).  | 38,960.00         | 41,600.00         |
| For Division of Information, established under section 40 of the act approved February 20, 1907, entitled "An act to regulate the immigration of aliens into the United States," namely: For chief of division, \$3,500; assistant chief of division, \$2,500; 2 clerks of class 4; 1 clerk of class 3; 2 clerks of class 2; 3 clerks of class 1; 1 clerk, \$900; 1 messenger; in all (vol. 35, p. 241; vol. 34, p. 1329).  | 19,840.00         | 19,840.00         |
| NOTE.—The foregoing was provided for in a general appropriation for 1908.   |                   |                   |

Appropriations made at first session of Sixtieth Congress for fiscal year 1909 and at second session of Fifty-ninth Congress for fiscal year 1908 that could be used to prevent frauds in and depredations upon the public service, etc.—Continued.

|   | Fiscal year<br>1909. | Fiscal year<br>1908. |
|---|----------------------|----------------------|
| <i>In the District of Columbia act.</i>   |                      |                      |
| FOR METROPOLITAN POLICE.  |                      |                      |
| For major and superintendent, \$4,000; assistant superintendent, with rank of inspector, \$2,500; 3 inspectors, at \$1,800 each; 10 captains, at \$1,500 each; chief clerk, who shall also be property clerk, \$2,000; clerk, \$1,500; 3 clerks, at \$1,000 each; 4 surgeons of the police and fire departments, at \$600 each; additional compensation for 20 privates detailed for special service in the detection and prevention of crime, \$4,800, or so much thereof as may be necessary; 12 lieutenants, 1 of whom shall be harbor master, at \$1,320 each; 45 sergeants, 1 of whom may be detailed for duty in the harbor patrol, at \$1,250 each; 422 privates of class 3, at \$1,200 each; 123 privates of class 2, at \$1,080 each; 105 privates of class 1, at \$900 each; for amount required to pay salaries of privates of class 2 who will be promoted to class 3 and privates of class 1 who will be promoted to class 2 during the fiscal year 1909, \$8,303.35; 6 telephone operators, at \$600 each; janitor for police headquarters for July, 1908, \$60; 14 janitors, at \$500 each; messenger, \$700; messenger, \$500; major and superintendent, mounted, \$240; inspector, mounted, \$240; 55 captains, lieutenants, sergeants, and privates, mounted, at \$240 each; 64 lieutenants, sergeants, and privates, mounted on bicycles, at \$50 each; 26 drivers, at \$720 each; and 2 police matrons, at \$600 each; <i>Provided</i> , That hereafter, in order that the full complement of the Metropolitan police force may at all times be maintained as authorized by law, the Commissioners of the District of Columbia are authorized, when vacancies occur in classes 2 and 3 of said Metropolitan police force which can not be filled by promotion, to appoint privates in class 1 equal in number to the positions vacated in said classes 2 and 3; and the respective salaries specifically provided for such vacant positions may be reduced to pay the salaries of the privates so appointed in class 1; <i>Provided further</i> , That within 30 days after the passage of this act and every 2 years thereafter persons on the pension rolls in the District of Columbia for disabilities incurred while in the service of the police department or fire department of the District of Columbia shall undergo a medical examination, and as a result of such examinations the commissioners shall determine whether the pension being paid in each case shall continue in whole or in part (vol. 35, p. 293) | \$915,593.35         |                      |
| For major and superintendent, \$4,000; assistant superintendent, with rank of inspector, \$2,500; 3 inspectors, at \$1,800 each; 10 captains, at \$1,500 each; chief clerk, who shall also be property clerk, \$2,000; clerk, \$1,500; 3 clerks, at \$900 each; 4 surgeons of the police and fire departments, at \$600 each; additional compensation for 20 privates detailed for special service in the detection and prevention of crime, \$4,800, or so much thereof as may be necessary; 12 lieutenants, one of whom shall be harbor master, at \$1,320 each; 45 sergeants, one of whom may be detailed for duty in the harbor patrol, at \$1,250 each; 422 privates of class 3, at \$1,200 each; 110 privates of class 2, at \$1,080 each; each; 127 privates of class 1, at \$900 each; for amount required to pay salaries of privates of class 2 who will be promoted to class 3, and privates of class 1 who will be promoted to class 2, during the fiscal year 1908, \$9,935.03; 6 telephone operators, at \$600 each; janitor for police headquarters, \$720; 14 laborers, at \$900 each; messenger, \$700; messenger, \$500; major and superintendent, mounted, \$240; inspector, mounted, \$240; 55 captains, lieutenants, sergeants, and privates, mounted, at \$240 each; 64 lieutenants, sergeants, and privates, mounted on bicycles, at \$50 each; 26 drivers, at \$720 each; and 2 police matrons, at \$600 each; in all (vol. 34, p. 1142)  |                      | \$912,545.63         |
| <i>In the pension act.</i>  |                      |                      |
| For examination and inspection of pension agencies, as provided by the final provision of the act of August 8, 1882, amending section 4766, Revised Statutes (vol. 35, p. 419; vol. 34, p. 1407)  | 1,500.00             | 1,500.00             |
| <i>In the post-office act.</i>  |                      |                      |
| For salaries of post-office inspectors: For salaries of 15 inspectors in charge of divisions, at \$3,000 each; 10 inspectors, at \$2,400 each; 15 inspectors, at \$2,250 each; 15 inspectors, at \$2,000 each; 10 inspectors, at \$1,800 each; 130 inspectors, at \$1,600 each; 110 inspectors, at \$1,400; and 50 inspectors, at \$1,200; in all   | 672,750.00           |                      |

Appropriations made at first session of Sixtieth Congress for fiscal year 1909 and at second session of Fifty-ninth Congress for fiscal year 1908 that could be used to prevent frauds in and depredations upon the public service, etc.—Continued.

|  | Fiscal year<br>1909. | Fiscal year<br>1908. |
|--|----------------------|----------------------|
| <i>In the post-office act—Continued.</i>   |                      |                      |
| For per diem allowance of inspectors in the field while actually traveling on official business away from their home, their official domicile, and their headquarters, at a rate to be fixed by the Postmaster-General, not to exceed \$4 per day: <i>Provided</i> , That the Postmaster-General may, in his discretion, allow inspectors per diem while temporarily located at any place on business away from their home or their designated domicile, for a period not exceeding 20 consecutive days at any one place, and make rules and regulations governing the foregoing provisions relating to per diem: <i>And provided further</i> , That no per diem shall be paid to inspectors receiving annual salaries of \$2,000 or more      | \$325,000.00         |                      |
| For compensation to clerks and laborers at division headquarters, 15, at \$1,000 each; 9, at \$1,400 each; 27, at \$1,200 each; 8, at \$1,100 each; 13, at \$1,000 each; 6, at \$900 each; and 2, at \$860 each; in all  | 96,620.00            |                      |
| For traveling expenses of inspectors without per diem allowance, inspectors in charge, and the chief post-office inspector, and expenses incurred by inspectors not covered by per diem allowance  | 25,000.00            |                      |
| For livery hire incurred by inspectors not covered by their per diem allowance, including livery hire in connection with the installation and inspection of rural routes   | 50,000.00            |                      |
| For necessary miscellaneous expenses at division headquarters  | 6,000.00             |                      |
| For payment of rewards for the detection, arrest, and conviction of post-office burglars, robbers, and highway mail robbers: <i>Provided</i> , That of the amount herein appropriated not to exceed \$5,000 may be expended, in the discretion of the Postmaster-General, for the purpose of securing information concerning violations of the postal laws, and for services and information looking toward the apprehension of criminals (vol. 35, p. 405)  | 20,000.00            |                      |
| Salaries of post-office inspectors: For salaries of 15 inspectors in charge of divisions, at \$3,000 each; 10 inspectors, at \$2,400 each; 15 inspectors, at \$2,250 each; 15 inspectors, at \$2,000 each; 10 inspectors, at \$1,800 each; 130 inspectors, at \$1,600 each; 110 inspectors, at \$1,400 each; and 72 inspectors, at \$1,200 each; in all  |                      | \$599,150.00         |
| For per diem allowance of inspectors in the field while actually traveling on official business away from their home, their official domicile, and their headquarters, at a rate to be fixed by the Postmaster-General, not to exceed \$4 per day: <i>Provided</i> , That the Postmaster-General may, in his discretion, allow inspectors per diem while temporarily located at any place on business away from their home, or their designated domicile, for a period not exceeding twenty consecutive days at any one place, and make rules and regulations governing the foregoing provisions relating to per diem: <i>And provided further</i> , That no per diem shall be paid to inspectors receiving annual salaries of \$2,000 or more |                      | \$50,000.00          |
| For compensation to clerks and laborers at division headquarters, 15, at \$1,000 each; 9, at \$1,400 each; 27, at \$1,200 each; 8, at \$1,100 each; 13, at \$1,000 each; 5, at \$900 each; and 2, at \$860 each; in all  |                      | 96,620.00            |
| For traveling expenses of inspectors without per diem allowance, inspectors in charge, and the chief post-office inspector, and expenses incurred by inspectors not covered by per diem allowance  |                      | 25,000.00            |
| For livery hire incurred by inspectors not covered by their per diem allowance, including livery hire in connection with the installation and inspection of rural routes   |                      | 50,000.00            |
| For necessary miscellaneous expenses at division headquarters  |                      | 6,000.00             |
| For payment of rewards for the detection, arrest, and conviction of post-office burglars, robbers, and highway mail robbers: <i>Provided</i> , That of the amount herein appropriated not to exceed \$2,000 may be expended, in the discretion of the Postmaster-General, for the purpose of securing information concerning violations of the postal laws, and for services and information looking toward the apprehension of criminals (vol. 34, p. 1205)   |                      | 20,000.00            |
| <i>In the diplomatic and consular act.</i>   |                      |                      |
| EXPENSES UNDER THE NEUTRALITY ACT.   |                      |                      |
| To meet the necessary expenses attendant upon the execution of the neutrality act, to be expended under the direction of the President, pursuant to the requirement of section 291 of the Revised Statutes (or so much thereof as may be necessary)  | 8,000.00             | 8,000.00             |



Appropriations made at first session of Sixtieth Congress for fiscal year 1909 and at second session of Fifty-ninth Congress for fiscal year 1908 that could be used to prevent frauds in and depredations upon the public service, etc.—Continued.

|  | Fiscal year<br>1909. | Fiscal year<br>1908. |
|--|----------------------|----------------------|
| <i>In the diplomatic and consular act—Cont'd.</i>  |                      |                      |
| EMERGENCIES ARISING IN THE DIPLOMATIC AND CONSULAR SERVICE.  |                      |                      |
| To enable the President to meet unforeseen emergencies arising in the diplomatic and consular service, and to extend the commercial and other interests of the United States, to be expended pursuant to the requirement of section 291 of the Revised Statutes (or so much thereof as may be necessary) (vol. 35, p. 175; vol. 34, p. 919).....   | \$90,000.00          | \$90,000.00          |
| For salaries of five consular inspectors, at \$5,000 each.....   | 25,000.00            | 25,000.00            |
| EXPENSES OF CONSULAR INSPECTORS.   |                      |                      |
| For the actual and necessary traveling and subsistence expenses of consular inspectors while traveling and inspecting under instructions from the Secretary of State (vol. 35, p. 180; vol. 34, p. 923).....   | 15,000.00            | 15,000.00            |
| <i>In the Indian act.</i>  |                      |                      |
| To enable the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, to take action to suppress the traffic in intoxicating liquors among Indians (vol. 25, p. 72; vol. 34, p. 1017).....   | 40,000.00            | 25,000.00            |
| To enable the Commissioner of Indian Affairs, from time to time as he may deem necessary, to detail clerks from his office to make special investigations in the field: <i>Provided</i> , That while thus absent from Washington under such detail they shall receive a per diem of \$3 to cover all expenses, exclusive of transportation and sleeping-car fares (vol. 35, p. 72; vol. 34, p. 1018).....  | 3,000.00             | 3,000.00             |
| For pay of 8 Indian inspectors, 2 of whom shall be engineers, 1 to be designated as chief, competent in the location, construction, and maintenance of irrigation works, at \$2,500 per annum each, except the chief engineer, who shall receive \$3,500.....  | 21,000.00            | 21,000.00            |
| For traveling expenses of 8 Indian inspectors, at \$3 per day when actually employed on duty in the field, exclusive of transportation and sleeping-car fare, in lieu of all other expenses now authorized by law, and for incidental expenses of negotiation, inspection, and investigation, including telegraphing and expenses of going to and going from the seat of government, and while remaining there under orders and direction of the Secretary of the Interior, for a period not to exceed twenty days (vol. 35, p. 74; vol. 34, p. 1019).....   | 12,800.00            | 12,800.00            |
| For services of officers, at \$25 per month each, and privates, at \$20 per month each, of Indian police, to be employed in maintaining order and prohibiting illegal traffic in liquor on the several Indian reservations and within the Territory of Alaska, in the discretion of the Secretary of the Interior, for the purchase of equipments, and for the purchase of rations for policemen at nonration agencies (vol. 35, p. 75; vol. 34, p. 1019).....   | 200,000.00           | 200,000.00           |
| For contingencies of the Indian Service, including traveling and incidental expenses of Indian agents and of their offices, and of the Commissioner of Indian Affairs; also traveling and incidental expenses of special agents, at \$3 per day when actually employed on duty in the field, exclusive of transportation and sleeping-car fare, in lieu of all other expenses now authorized by law, and expenses of going to and going from the seat of government, and while remaining there under orders and direction of the Commissioner of Indian Affairs, for a period not to exceed twenty days; for pay of employees not otherwise provided for, and for pay of special agents, at \$2,000 per annum each (vol. 35, p. 75; vol. 34, p. 1020)..... | 85,000.00            | 75,000.00            |
| <i>In the army act.</i>  |                      |                      |
| Contingencies of the army: For all contingent expenses of the army not otherwise provided for, and embracing all branches of the military service, including the office of the Chief of Staff, to be expended under the immediate orders of the Secretary of War (vol. 35, p. 103; vol. 34, p. 1158).....  | 15,000.00            | 10,000.00            |
| Inspector-General's Department: For pay of officers in the Inspector-General's Department.....   | 50,500.00            | 50,500.00            |
| For additional pay to such officers for length of service, to be paid with their current monthly pay (vol. 35, p. 112; vol. 34, p. 1151).....  | 16,000.00            | 16,000.00            |
| For pay of expert accountant for the Inspector-General's Department (vol. 35, p. 114; vol. 34, p. 1163).....   | 2,500.00             | 2,500.00             |

Appropriations made at first session of Sixtieth Congress for fiscal year 1909 and at second session of Fifty-ninth Congress for fiscal year 1908 that could be used to prevent frauds in and depredations upon the public service, etc.—Continued.

|  | Fiscal year<br>1909. | Fiscal year<br>1908. |
|--|----------------------|----------------------|
| <i>In the naval act.</i>   |                      |                      |
| Contingent, navy: For all emergencies and extraordinary expenses exclusive of personal services in the Navy Department, or in any of its subordinate bureaus or offices at Washington, D. C., arising at home or abroad, but impossible to be anticipated or classified, to be expended on the approval and authority of the Secretary of the Navy, and for such purposes as he may deem proper (vol. 35, p. 129; vol. 34, p. 1177).....   | \$65,000.00          | \$65,000.00          |
| Total.....   | 7,214,593.35         | 6,520,230.63         |
| <i>Other appropriations made at the first session of the Sixtieth Congress for the fiscal year 1909 and at the second session of the Fifty-ninth Congress for the fiscal year 1908, that could be used, in whole or in part, to prevent frauds in and depredations upon the several branches of the public service, including the protection of public lands and their products from fraudulent entry or appropriation, and to apprehend and punish persons charged with violation of the laws of the United States.</i>   |                      |                      |
| [The reference following each item is to the Statutes at Large, United States, volume and page.]   |                      |                      |
|  | Fiscal year<br>1909. | Fiscal year<br>1908. |
| <i>In the legislative, executive, and judicial act.</i>  |                      |                      |
| For salaries and expenses of collectors of internal revenue, and deputy collectors, and surveyors, and clerks, messengers, and janitors in internal-revenue offices.....   | \$2,075,000.00       | \$2,075,000.00       |
| For salaries and expenses of 40 revenue agents provided for by law, and fees and expenses of gaugers, salaries and expenses of storekeepers and storekeeper-gaugers.....   | 2,400,000.00         | 2,310,000.00         |
| To carry out the provisions of the act entitled "An act for the withdrawal from bond, tax free, of domestic alcohol when rendered unfit for beverage or liquid medicinal uses by mixture with suitable denaturing materials," as amended by the act of March 2, 1907. And for the employment of such additional force of chemists, internal-revenue agents, inspectors, deputy collectors, clerks, laborers, and other assistants as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may deem proper and necessary to the prompt and efficient operation and enforcement of this law, and for the purchase of locks, seals, weighing beams, gauging instruments, and for all necessary expenses incident to the proper execution of this law (vol. 35, p. 207; vol. 34, p. 957)..... | 200,000.00           | 250,000.00           |
| Department of Labor: Six special agents, at \$1,600 each; 8 special agents, at \$1,400 each; 4 special agents, at \$1,200 each.....  | 25,600.00            | 25,600.00            |
| For per diem, in lieu of subsistence, of special agents and employees while traveling on duty away from their homes and outside of the District of Columbia, at a rate not to exceed \$3 per day, and for their transportation, and for employment of experts and temporary assistance, and for traveling expenses of officers and employees, and for the purchase of reports and materials for the reports and bulletins of the Bureau of Labor, and for subvention to "International Association for Labor Legislation," and necessary expenses connected with representation of the United States Government therein (vol. 35, p. 238; vol. 34, p. 988).....  | 64,000.00            | 64,000.00            |
| <i>In the sundry civil act.</i>  |                      |                      |
| Expenses of United States courts: For expenses of United States courts, other than the sums for miscellaneous expenses, and for assistant attorneys in naturalization cases noted elsewhere, including salaries and expenses of United States marshals and their deputies; salaries of United States attorneys and their assistants; fees of clerks of United States courts; fees of United States commissioners; fees of jurors; fees of witnesses; and support of United States penitentiaries (vol. 35, p. 375; vol. 34, p. 1360).....  | 6,641,480.00         | 5,871,820.00         |
| <i>In the agricultural act.</i>  |                      |                      |
| General expenses, Forest Service: To enable the Secretary of Agriculture to experiment and to make and continue investigations and report on forestry, national forests, forest fires, and lumbering; but no part of this appropriation shall be used for any experiment or test made outside the jurisdiction of the United States; to investigate and test American timber and timber trees, and their uses, and methods for   |                      |                      |

Other appropriations made at the first session of the Sixtieth Congress for the fiscal year 1909 and at the second session of the Fifty-ninth Congress for the fiscal year 1908, that could be used, in whole or in part, to prevent frauds in and depredations upon the several branches of the public service, etc.—Continued.

|  | Fiscal year<br>1909. | Fiscal year<br>1908. |
|--|----------------------|----------------------|
| <i>In the agricultural act—Continued.</i>  |                      |                      |
| the preservative treatment of timber; to seek, through investigations and the planting of native and foreign species, suitable trees for the treeless regions; to erect necessary buildings: <i>Provided</i> , That the cost of any building erected shall not exceed \$500; to pay all expenses necessary to protect, administer, and improve the national forests; and hereafter officials of the Forest Service designated by the Secretary of Agriculture shall, in all ways that are practicable, aid in the enforcement of the laws of the States or Territories with regard to stock, for the prevention and extinguishment of forest fires, and for the protection of fish and game, and with respect to national forests shall aid the other federal bureaus and departments, on request from them, in the performance of the duties imposed on them by law; to ascertain the natural conditions upon and utilize the national forests, and the Secretary of Agriculture may, in his discretion, permit timber and other forest products cut or removed from the national forests, except the Black Hills National Forest in South Dakota, to be exported from the State, Territory, or the district of Alaska, in which said forests are respectively situated: <i>Provided</i> , That the exportation of dead and insect-infested timber only from said Black Hills National Forest shall be allowed until such time as the Forester shall certify that the ravages of the destructive insects in said forest are practically checked, but in no case after July 1, 1910; to transport and care for fish and game supplied to stock the national forests or the waters therein; to employ fiscal and other agents, clerks, assistants, and other labor required in practical forestry and in the administration of national forests, in the District of Columbia or elsewhere; and hereafter advances of money under any appropriation for the Forest Service may be made to the Forest Service and by authority of the Secretary of Agriculture to chiefs of field parties for fighting forest fires in emergency cases, who shall give bond under such rules and regulations and in such sum as the Secretary of Agriculture may direct, and detailed accounts arising under such advances shall be rendered through and by the Department of Agriculture to the Treasury Department; to collate, digest, report, illustrate, and print the results of experiments and investigations made by the Forest Service; to purchase law books to an amount not exceeding \$500, necessary supplies, apparatus, and office fixtures, and technical books and technical journals for officers of the Forest Service stationed outside of Washington; to pay freight, express, telephone, and telegraph charges; for electric light and power, fuel, gas, ice, washing towels, and official traveling and other necessary expenses; and for rent in the District of Columbia and elsewhere (vol. 35, p. 259, and Book of Estimates for 1908, p. 483).... | \$3,151,900.00       | \$1,200,000.00       |
| Pure food: General expenses, Bureau of Chemistry: Chemical apparatus, chemicals, supplies; repairs to engine and apparatus, gas and electric current, official traveling and other expenses, telegraph and telephone service, express and freight charges, labor and expert work, and all necessary expenses in conducting investigations in this bureau in the city of Washington and elsewhere, and in collating, digesting, reporting, and illustrating the results of such investigations; for the rent of buildings in the city of Washington and elsewhere; to continue collaboration with other departments of the Government desiring chemical investigations and whose heads request the Secretary of Agriculture for such assistance, and for other miscellaneous work; to demonstrate and illustrate the methods for the making of denatured alcohol on a scale suitable for utilization by the farmer, or associations of farmers; to enable the Secretary of Agriculture to investigate the character of the chemical and physical tests which are applied to American food products in foreign countries, and to inspect before shipment, when desired by the shippers or owners of these food products, American food products intended for countries where chemical and physical tests are required before said food products are allowed to be sold in the countries mentioned, and for all necessary expenses connected with such inspection and studies of methods of analysis in foreign countries; for all expenses necessary to carry into effect the provisions of the act of June 30, 1906, entitled "An act for preventing the manufacture, sale, or transportation, of   |                      |                      |

Other appropriations made at the first session of the Sixtieth Congress for the fiscal year 1909 and at the second session of the Fifty-ninth Congress for the fiscal year 1908, that could be used, in whole or in part, to prevent frauds in and depredations upon the several branches of the public service, etc.—Continued.

|  | Fiscal year<br>1909. | Fiscal year<br>1908. |
|--|----------------------|----------------------|
| <i>In the agricultural act—Continued.</i>  |                      |                      |
| adulterated, or misbranded, or poisonous, or deleterious foods, drugs, medicines, and liquors, and for other purposes," including rent and the employment of labor in the city of Washington and elsewhere; employing such assistants, clerks, and other persons as the Secretary of Agriculture may consider necessary for the purposes named (vol. 35, p. 261; vol. 34, p. 1272).....  | \$700,000.00         | \$650,000.00         |
| <i>In the army act.</i>  |                      |                      |
| Incidental expenses: Postage; cost of telegrams on official business received and sent by officers of the army; extra pay to soldiers employed on extra duty, under the direction of the Quartermaster's Department, in the erection of barracks, quarters, and storehouses, in the construction of roads and other constant labor for periods of not less than ten days, and as clerks for post quartermasters at military posts, and for prison overseers at posts designated by the War Department for the confinement of general prisoners, and for noncommissioned officers of the United States military prison guard; for expenses of expresses to and from frontier posts and armies in the field, of escorts to paymasters and other disbursing officers, and to trains where military escorts can not be furnished; expenses of the interment of officers killed in action or who die when on duty in the field, or at military posts or on the frontiers, or when traveling under orders, and of noncommissioned officers and soldiers; and in all cases where such expenses would have been lawful claims against the Government, reimbursement may be made of expenses heretofore or hereafter incurred by individuals of burial and transportation of remains of officers, including acting assistant surgeons, not to exceed the amount now allowed in the cases of officers, and for the reimbursement in the cases of enlisted men not exceeding the amount now allowed in their cases, may be paid out of the proper funds appropriated by this act, and the disbursing officers shall be credited with such reimbursement heretofore made; but hereafter no reimbursement shall be made of such expenses incurred prior to the 21st day of April, 1898; authorized office furniture, hire of laborers in the Quartermaster's Department, including the hire of interpreters, spies, or guides for the army; compensation of clerks and other employees to the officers of the Quartermaster's Department, and clerks, foremen, watchmen, and organist for the United States military prison, and incidental expenses of recruiting; for the apprehension, securing, and delivering of deserters, including escaped military prisoners, and the expenses incident to their pursuit, and no greater sum than \$50 for each deserter or escaped military prisoner shall, in the discretion of the Secretary of War, be paid to any civil officer or citizen for such services and expenses; for a donation of \$5 to each dishonorably discharged prisoner upon his release from confinement, under court-martial sentence, involving dishonorable discharge; for the following expenditures required for the several regiments of cavalry, the batteries of light artillery, and such companies of infantry and scouts as may be mounted, the authorized number of officers' horses, and for the trains, to wit: Hire of veterinary surgeons, purchase of medicines for horses and mules, picket ropes, blacksmith's tools and materials, horseshoes and blacksmith's tools for the cavalry service, and for the shoeing of horses and mules, and such additional expenditures as are necessary and authorized by law in the movements and operations of the army, and at military posts, and not expressly assigned to any other department (vol. 35, p. 118; vol. 34, p. 1168)..... | 2,200,000.00         | 1,944,016.72         |
| <i>Permanent appropriations.</i>   |                      |                      |
| Salaries of steamboat inspectors and clerks: Indefinite appropriation to pay salaries of the Supervising Inspector-General, supervising inspectors, local inspectors, and assistant inspectors of steam vessels, and clerks of steamboat inspectors, under the acts of June 19, 1896, and April 4, 1888, as amended by the acts of March 1 and 2, 1895, and April 21, 1898, and June 2, 1900 (appointments authorized by secs. 4402, 4404, and 4414, Rev. Stat.), amended by act approved March 3, 1905, and further amended by act of April 8, 1906.....  | 450,000.00           | 400,000.00           |
| Contingent expenses, Steamboat-Inspection Service: Indefinite appropriation for the payment of fees to United States marshals and witnesses (sec. 4451, Rev. Stat.), and traveling   |                      |                      |



Other appropriations made at the first session of the Sixtieth Congress for the fiscal year 1909 and at the second session of the Fifty-ninth Congress for the fiscal year 1908, that could be used, in whole or in part, to prevent frauds in and depredations upon the several branches of the public service, etc.—Continued.

|  | Fiscal year<br>1909. | Fiscal year<br>1908. |
|--|----------------------|----------------------|
| <i>Permanent appropriations—Continued.</i>   |                      |                      |
| and other expenses, when on official duty, of the Supervising Inspector-General, supervising inspectors, local and assistant inspectors, and all instruments, furniture, and other things necessary to carry into effect the provisions of Title 52, Revised Statutes (sec. 4461, Rev. Stat.), under the act approved April 4, 1888, amending the act of June 19, 1883, as amended by the acts of March 1, 1895, February 15, 1897, March 3, 1905, and April 9, 1906. (Book of Estimates, 1909, p. 551, and Book of Estimates 1908, p. 489).....   | \$100,000.00         | \$85,000.00          |
| Expenses of regulating immigration: For expenses of regulating the immigration of aliens into the United States, including salaries and expenses of all officers, clerks, inspectors, and other employees, permanently appropriated annually. (Book of Estimates, 1909, p. 550, and Book of Estimates, 1908, p. 488).....  | 2,500,000.00         | 1,500,000.00         |
| Meat inspection, Bureau of Animal Industry: There is permanently appropriated, out of any money in the Treasury not otherwise appropriated, for the expenses of the inspection of cattle, sheep, swine, and goats, and the meat and meat-food products thereof which enter into interstate or foreign commerce, and for all expenses necessary to carry into effect the provisions relating to meat inspection, including rent and the employment of labor in Washington and elsewhere for each year. (Book of Estimates, 1909, p. 550, and Book of Estimates, 1908, p. 487).....  | 3,000,000.00         | 3,000,000.00         |
| Total.....   | 23,568,170.00        | 19,375,526.72        |
| <i>In the legislative, executive, and judicial act.</i>  |                      |                      |
| [Vol. 35, p. —, and vol. 34, p. 952.]  |                      |                      |
| ACCOUNTING OFFICES OF THE TREASURY DEPARTMENT.   |                      |                      |
| Office of Comptroller of the Treasury: For Comptroller of the Treasury, \$5,500; Assistant Comptroller of the Treasury, \$4,500; chief clerk, \$2,500; chief law clerk, \$2,500; 3 law clerks revising accounts and briefing opinions, 1 at \$2,100 and 7 at \$2,000 each; 6 expert accountants, at \$2,000 each; private secretary, \$1,800; 8 clerks of class 4; 2 clerks of class 3; 2 clerks of class 2; stenographer and typewriter, \$1,400; 1 typewriter-copyist, \$1,000; 2 messengers; 1 assistant messenger; and 2 laborers, in all.....   | 71,420.00            |                      |
| Office of Comptroller of the Treasury: For Comptroller of the Treasury, \$5,500; Assistant Comptroller of the Treasury, \$4,500; chief clerk, \$2,500; chief law clerk, \$2,500; 8 law clerks revising accounts and briefing opinions, 1 at \$2,100 and 7 at \$2,000 each; 6 expert accountants, at \$2,000 each; private secretary, \$1,800; 8 clerks of class 4; 1 clerk of class 3; 2 clerks of class 2; 1 stenographer and typewriter, at \$1,400; 1 typewriter-copyist, \$1,000; 2 messengers; 1 assistant messenger; and 2 laborers (including 1 transferred from the Bureau of Engraving and Printing, who shall be transferred without regard to civil-service rules and regulations); in all..... |                      | 69,820.00            |
| Office of Auditor for Treasury Department: For auditor, \$4,000; deputy auditor, \$2,500; law clerk, \$2,000; 4 chiefs of division, at \$2,000 each; 17 clerks of class 4; 15 clerks of class 3; 13 clerks of class 2; 31 clerks of class 1; 17 clerks, at \$1,000 each; 6 clerks, at \$900 each; 3 assistant messengers; 4 laborers; in all.....  | 153,700.00           |                      |
| Office of Auditor for Treasury Department: For auditor, \$4,000; deputy auditor, \$2,500; law clerk, \$2,000; 4 chiefs of division, at \$2,000 each; 17 clerks of class 4; 15 clerks of class 3; 13 clerks of class 2; 30 clerks of class 1; 17 clerks, at \$1,000 each; 6 clerks, at \$900 each; 3 assistant messengers; 4 laborers; in all.....  |                      | 152,500.00           |
| Office of Auditor of War Department: For auditor, \$4,000; deputy auditor, \$2,500; law clerk, \$2,000; 6 chiefs of division, at \$2,000 each; 24 clerks of class 4; additional to 1 clerk as disbursing clerk, \$200; 50 clerks of class 3; 71 clerks of class 2; 83 clerks of class 1; 20 clerks, at \$1,000 each; 14 clerks, at \$900 each; skilled laborer, \$900; 3 clerks, at \$840 each; 1 messenger; 5 assistant messengers; and 12 laborers; in all.....  | 391,280.00           |                      |
| Office of Auditor for War Department: For auditor, \$4,000; deputy auditor, \$2,500; law clerk, \$2,000; 6 chiefs of division, at \$2,000 each; 24 clerks of class 4; additional to 1 clerk as disbursing clerk, \$200; 50 clerks of class 3; 71 clerks of class 2; 83 clerks of class 1; 20 clerks, at \$1,000 each; 14 clerks, at \$900 each; skilled laborer, \$900; 3 clerks, at \$840 each; 1 messenger; 5 assistant messengers; and 12 laborers; in all.....   |                      | 391,280.00           |
| Office of Auditor for Navy Department: For auditor, \$4,000; deputy auditor, \$2,500; law  |                      |                      |

Other appropriations made at the first session of the Sixtieth Congress for the fiscal year 1909 and at the second session of the Fifty-ninth Congress for the fiscal year 1908, that could be used, in whole or in part, to prevent frauds in and depredations upon the several branches of the public service, etc.—Continued.

|  | Fiscal year<br>1909. | Fiscal year<br>1908. |
|--|----------------------|----------------------|
| <i>In the legislative, executive, and judicial act—Continued.</i>  |                      |                      |
| ACCOUNTING OFFICES OF THE TREASURY DEPARTMENT—Continued.   |                      |                      |
| clerk, \$2,000; 3 chiefs of division, at \$2,000 each; 10 clerks of class 4; 19 clerks of class 3; 15 clerks of class 2; 23 clerks of class 1; 17 clerks, at \$1,000 each; 15 clerks, at \$900 each; 1 clerk, at \$800; 1 messenger; 1 assistant messenger; and 3 laborers; in all.....  | \$146,340.00         |                      |
| Office of Auditor for Navy Department: For auditor, \$4,000; deputy auditor, \$2,500; law clerk, \$2,000; 3 chiefs of division, at \$2,000 each; 10 clerks of class 4; 19 clerks of class 3; 15 clerks of class 2; 19 clerks of class 1; 18 clerks, at \$1,000 each; 15 clerks, at \$900 each; 1 clerk, \$800; 1 messenger; 1 assistant messenger; and 3 laborers; in all.....   |                      | \$142,540.00         |
| Office of Auditor for Interior Department: For auditor, \$4,000; deputy auditor, \$2,500; law clerk, \$2,000; 3 chiefs of division, at \$2,000 each; 13 clerks of class 4; 16 clerks of class 3; 28 clerks of class 2; 29 clerks of class 1; 15 clerks, at \$1,000 each; 10 clerks, at \$900 each; 2 assistant messengers; 4 skilled laborers, at \$720 each; 6 laborers; and 1 female laborer, \$600; in all.....   | 170,380.00           |                      |
| Office of Auditor for Interior Department: For auditor, \$4,000; deputy auditor, \$2,500; law clerk, \$2,000; 3 chiefs of division, at \$2,000 each; 12 clerks of class 4; 16 clerks of class 3; 28 clerks of class 2; 28 clerks of class 1; 15 clerks, at \$1,000 each; 10 clerks, at \$900 each; 2 assistant messengers; 4 skilled laborers, at \$720 each; 6 laborers; and 1 female laborer, \$600; in all.....   |                      | 167,880.00           |
| Office of Auditor for State and other Departments: For auditor, \$4,000; deputy auditor, \$2,500; law clerk, \$2,000; 3 chiefs of division, at \$2,000 each; 16 clerks of class 4; 1 clerk of class 4 (special examiner); 17 clerks of class 3; 13 clerks of class 2; 13 clerks of class 1; 5 clerks, at \$1,000 each; 6 clerks, at \$900 each; 1 messenger; 2 assistant messengers; and 3 laborers; in all.....   | 120,760.00           |                      |
| Office of Auditor for State and other Departments: For auditor, \$4,000; deputy auditor, \$2,500; law clerk, \$2,000; 3 chiefs of division, at \$2,000 each; 15 clerks of class 4; 1 clerk of class 4 (special examiner); 15 clerks of class 3; 13 clerks of class 2; 12 clerks of class 1; 5 clerks, at \$1,000 each; 6 clerks, at \$900 each; 1 messenger; 1 assistant messenger; and 3 laborers; in all.....  |                      | 113,840.00           |
| Office of Auditor for Post-Office Department: For auditor, \$4,000; 2 deputy auditors, at \$2,500 each; chief clerk, \$2,000; law clerk, \$2,500; 8 chiefs of division, at \$2,000 each; 40 clerks of class 4; additional to 1 clerk as disbursing clerk, \$450; 72 clerks of class 3; 91 clerks of class 2; 121 clerks of class 1; 104 clerks, at \$1,000 each; skilled laborer, \$1,000; 81 clerks, at \$900 each; 15 female skilled laborers, at \$780 each; 69 skilled laborers, at \$720 each; 15 female operatives, at \$720 each; 53 skilled laborers, at \$660 each; 15 female operatives, at \$660 each; 8 messengers; 12 assistant messengers; 6 watchmen; 24 male laborers, at \$660 each; and 21 charwomen; in all.....  | 825,270.00           |                      |
| Office of Auditor for Post-Office Department: For auditor, \$4,000; 2 deputy auditors, at \$2,500 each; chief clerk, \$2,000; law clerk, \$2,000; 8 chiefs of division, at \$2,000 each; 40 clerks of class 4; additional to 1 clerk as disbursing clerk, \$450; 71 clerks of class 3; 90 clerks of class 2; 118 clerks of class 1; 104 clerks, at \$1,000 each; skilled laborer, \$1,000; 81 clerks, at \$900 each; 69 skilled laborers, at \$720 each; 15 female operatives who have had experience in the Bureau of Engraving and Printing as money, stamp, or paper counters, at \$720 each; 65 skilled laborers, at \$660 each; 15 female operatives who have had experience in the Bureau of Engraving and Printing as money, stamp, or paper counters, at \$660 each; 8 messengers; 12 assistant messengers; 6 watchmen; 24 male laborers, at \$660 each; 3 female laborers, at \$660 each; and 21 charwomen; in all..... |                      | 816,370.00           |
| Total accounting offices.....  | 1,879,150.00         | 1,853,730.00         |
|  | 1908.                | 1909.                |
| Appropriations that can be used for frauds on the Government and violations of the law.....  | \$6,520,230.63       | \$7,214,593.35       |
| Appropriations that can be used in whole or in part for investigation of frauds on the Government and violations of the law.....   | 19,375,526.72        | 23,558,170.00        |
| Appropriations for accounting offices of the Treasury Department.....  | 1,853,730.00         | 1,879,150.00         |
| Total.....   | 27,749,487.35        | 32,661,913.35        |
| Increase of 1909 over 1908, \$4,912,426.   |                      |                      |

Mr. HEMENWAY. Mr. President, I ask that the table showing the appropriations, and appearing as an appendix to the report, be printed in the Record.

The VICE-PRESIDENT. Without objection, it is so ordered.

Mr. OVERMAN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from North Carolina?

Mr. OVERMAN. I want to make a few remarks on this report.

Mr. HEMENWAY. I want to make a few remarks myself.

Mr. OVERMAN. Very well; I will speak when the Senator concludes.

Mr. MONEY. I did not hear the request of the Senator from Indiana. I shall be glad to hear what it is.

Mr. HEMENWAY. The request was that the appendix to the report, showing the statement of appropriations for the fiscal years 1908 and 1909, be printed in the Record.

Mr. MONEY. Has the reading of the report itself been finished?

Mr. HEMENWAY. The reading of the report has been concluded.

The VICE-PRESIDENT. The Secretary has completed the reading of the report. The Senator from Indiana is entitled to the floor.

Mr. HEMENWAY. Mr. President, there is one thing in connection with the report that I think ought to be made clear to the members of the Senate as well as to the public. There seems to have been a misapprehension growing out of the language used in the President's message, which has led many people to believe that the whole inspection force of the Government was hampered in some way by the restriction placed on the sundry civil bill. There were only 65 men employed under the Secret Service Division of the Treasury Department when this restriction was placed on the bill. The total appropriation for that service for the fiscal year 1908 was \$125,000. At the close of the fiscal year only \$106,000 of that money had been used, and \$19,000 was turned back into the Treasury. So the limitation that was placed in the sundry civil bill only affected the 65 men who were employed in the Secret Service Division of the Treasury Department. Now there are 56 men employed in that service, and this restriction only applies to the 56 men.

But what is the restriction? Commencing away back in 1857, this division was built up for the detection of counterfeiting and bringing to justice men who counterfeited the moneys, bonds, and securities of the United States and of foreign countries. From year to year the appropriation for this purpose has been continued, averaging possibly \$75,000 a year, and in 1907 we added to this appropriation the authority to protect the person of the President. So the 56 men now in the Secret Service of the Treasury Department have as their duty the suppression of counterfeiting, numerous smaller duties, and the protection of the person of the President.

What effect has the limitation had upon that particular force? The chief of the secret-service force, Mr. Wilkie, in appearing before the committee the other day and asking for appropriations for the coming fiscal year, stated that this force had been employed all of its time during the present fiscal year in suppressing counterfeiting and in protecting the person of the President; that the appropriation that they had for this fiscal year was not sufficient and that it would have to be increased to \$135,000, being \$20,000 more than they used for the fiscal year 1908.

It ought to be fully understood by the people that all the discussion about this restriction upon the use of the secret-service force of the Government only applied to 65 men at the time it was made, and now applies to but 56 men.

There is suggested the further question, Did the Congress of the United States hamper the President, the Interior Department, or the Department of Justice in following up land-fraud cases by putting on that restriction? Let us see. It has been shown by this report that every minute of the time of the 56 men who belong to the secret-service force of the Treasury Department is necessary to suppress counterfeiting and protect the person of the President. So, then, if the restriction had not been put on the sundry civil bill not one of these men could be assigned to any other duty without neglecting the duty that Congress intended he should perform.

In 1906 we appropriated for the inspection force of the Interior Department \$250,000. The Secretary of the Interior used but \$180,000 of the money, and \$70,000, in round numbers, was turned back into the Treasury.

In addition to the fact that the Secretary of the Interior had a larger appropriation than he could use, the Department of Justice had a large surplus or an unexpended balance which could be used in securing evidence, preparing cases, and pre-

senting them to the courts. So there was no restriction upon this work on the part of Congress in 1906. In 1907 and 1908 will be found the same condition of unused balances returned by these departments.

Now, let us note the fiscal year 1909, when this restriction was placed upon these 65 men, and many of the people of the country led to believe that that restriction extended to the whole inspection and special-agent force employed in the various departments of this great Government of ours. For that year we gave the Secretary of the Interior \$250,000 additional money. What for? To investigate land frauds. He had \$250,000. We made it a half million dollars, the greatest sum ever appropriated in the history of the Government for this purpose.

It went on the bill at the time when this restriction, applying only to these few men, went on the bill. We increased the appropriation for the expenses of hearings in land entries and for the expenses of hearings held by order of the Commissioner of the General Land Office to determine whether alleged fraudulent entries had been made or not, and so forth, from \$9,000 to \$35,000, an increase of \$26,000. We increased the appropriation for expenses of the Department of Justice also.

It is evident and made clear, I think, in this report that the Secretary of the Interior and the Attorney-General were not satisfied with the arrangement of transferring secret-service agents to their departments to make these investigations of land frauds. You will note by the evidence of the Secretary of the Interior that he said that these secret-service agents went out to investigate land frauds, but he did not know what they were doing. He had in charge the administration of the law under his department; yet there was a force of men out there making investigations as to violations of that law, and he did not know whether they were trying to make up new cases or investigating old ones.

He took up the matter with the Attorney-General, and the Attorney-General advised him that he did not know what they were doing—whether they were investigating old cases or were trying to work up new ones—and out of that state of affairs came the arrangement between the Attorney-General and the Secretary of the Interior that these investigations ought to be taken up in the proper way—through the Land Office and through the Department of Justice.

When they came to Congress we gave them every dollar of money they asked to carry out their purpose. In fact, in the last five years Congress has continually increased the appropriations for this purpose, until we have built up an inspection service whose members, if they were to march through the streets of Washington to-day, would make an army as compared with the force we had a few years ago.

Mr. FORAKER. Will the Senator from Indiana yield to me for a question?

Mr. HEMENWAY. Certainly.

Mr. FORAKER. I should like, before the Senator passes from that, to learn, if he can inform us, how these secret-service men, who belonged in the Treasury Department, happened to become engaged in the investigation of frauds connected with the Interior Department if neither the Secretary of the Interior nor the Attorney-General knew anything about it. Who sent them?

Mr. HEMENWAY. I hope, Mr. President, if this investigation continues long enough, to be able to answer the inquiry of the Senator from Ohio. I can not answer it to-day. The Committee on Appropriations simply undertook by this first report to point out as nearly as possible the effect that this limitation has had upon the suppression of crime; and if the effect had been to prevent a proper administration or to suppress crime, the Committee on Appropriations would have promptly recommended a change in the law. But, judging from the information we have received, it has not in any manner prevented any department of this Government from making every investigation that ought to have been made, and I may say any that could be thought of by anyone to bring about the suppression of crime and bring the guilty to justice.

Mr. HALE. I ask the Senator from Indiana, who has just made this report, to state to the Senate, if he thinks it worth while, on the point he is bringing out, what the Secretary of the Interior said—that instead of being in any way assisted by the intrusion of the Secret Service in his department he has been embarrassed. If the Senator thinks that is worth while, I wish he would read here what the Secretary said about it.

Mr. HEMENWAY. I shall—

Mr. HALE. If the Senator proposes to read it later, very well.

Mr. HEMENWAY. I shall later on read just what the Secretary said in that regard. It is true the Secretary of the Interior was embarrassed and the Department of Justice was em-



barrassed by the interference of these secret-service agents in the work of investigating land frauds.

Mr. TILLMAN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from South Carolina?

Mr. HEMENWAY. Certainly.

Mr. TILLMAN. Can the Senator tell me whether the investigations of the subcommittee have enabled him to answer this question: If the Department of Justice, Attorney-General Bonaparte, did not have control of these men, and if Secretary Garfield did not have control of them, who did?

Mr. HEMENWAY. They were under the control of the Chief of the Secret Service.

Mr. TILLMAN. Who is he; and under whose control is he?

Mr. HEMENWAY. He was under the control of the Secretary of the Treasury, so far as the records show.

Mr. TILLMAN. I know, of course, that he is under the control of the Secretary of the Treasury in general, but under whose control was he acting in this particular business; by whom were the orders given?

Mr. HEMENWAY. I would prefer, if the Senator will permit me, to proceed.

Mr. TILLMAN. I do not want to interrupt the Senator, but that seemed to be such a remarkable condition that I did want to find out if possible, right now and here, who had them under control.

Mr. FORAKER. Will the Senator from Indiana allow me to ask him one other question at this point?

Mr. HEMENWAY. Certainly.

Mr. FORAKER. The Senator stated that the small number of secret-service men had been increased until if they were to march through the streets of the city of Washington to-day it would appear as if there were a whole army marching. That was rather an impressive figure of speech. I should like to have the figures themselves, if the Senator can give them. How many of these secret-service men have we in the employ of the Government, if the Senator's investigation has yet proceeded far enough to enable him to state?

Mr. HEMENWAY. It has not proceeded far enough for me to make an accurate statement as to the number of inspectors. They are not called secret-service men, but they do similar work and have the same powers, but are simply given a different title. I have gone far enough to know that there are more than 3,000 men now in the secret-service and inspection work of the Government, to say nothing about the men we have under the pure-food law and the meat-inspection law.

Mr. TILLMAN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from South Carolina?

Mr. HEMENWAY. Certainly.

Mr. TILLMAN. Could the Senator tell us how many there were five years ago or three years ago?

Mr. HEMENWAY. I could not give exact figures, but quite a number less. In fact, they have doubled and trebled during the last few years—

Mr. TILLMAN. Quadrupled, quintupled?

Mr. HEMENWAY. I would not wish to make that statement unless I were sure of the matter.

Mr. FORAKER. I hope the Senator will indulge me a little bit further. I ask this question because I saw it stated in a public address by a Member of the House in connection with the Appropriations Committee that at the close of President McKinley's administration we had only 167 such men on the pay rolls of the United States, and that we now have more than 3,000, and that the appropriations on that account for last year, or perhaps the year before, amounted to nearly \$10,000,000; something in excess of \$9,000,000. It was rather startling.

Mr. HEMENWAY. I should like to proceed. In addition to the fact that we gave the Secretary of the Interior \$250,000 more than he had the previous year—making a half a million dollars—and in addition to the fact that we increased the other appropriation for investigations by the Commissioner of the General Land Office from \$9,000 to \$35,000, we increased the appropriation for the Forestry Service from \$1,200,000 to \$3,151,000, an increase of \$1,950,000, and under the law it was permitted to transfer to any department of the Government having in charge the enforcement of the laws relating to the forestry any of these men provided for under this appropriation to assist in enforcing the law. In other words, out of this great appropriation they have the power specifically given to them in the appropriation to transfer to any department or bureau of the Government any of these men to assist in enforcing the law.

They have the power, further, to assist the States of the Union in enforcing the law. So that, so far as the appropria-

tions for the fiscal year 1909 are concerned as relate to the Interior Department and the enforcement of the land laws and the other laws that are under the Interior Department, we have given \$250,000 increase in one item, \$28,000 increase in another item, and they have the benefit of this large appropriation under the agricultural act in addition.

What was taken away from them? All of this was added, and what was taken away? By the testimony of Secretary Garfield only one man had ever been assigned to the Interior Department from the Secret Service of the Treasury Department, and that man had not been at work in the Interior Department during the last fiscal year.

Now, let us see as to the Department of Justice. It is claimed—

Mr. SMOOT. Mr. President—

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Utah?

Mr. HEMENWAY. Certainly.

Mr. SMOOT. I did not quite understand what the Senator said in relation to the appropriation of \$3,151,000 for the Forestry Division. He does not mean to say that any part of that money was used for the Secret Service?

Mr. HEMENWAY. Oh, no. I simply say this: That under the law—

Mr. SMOOT. Under the law it could have been done.

Mr. HEMENWAY. It could have been used, as is specifically stated in the law, by any department or bureau of the Government to aid in enforcing the law relating to our timber lands.

Mr. SMOOT. But you do not claim that any of it was so used?

Mr. HEMENWAY. No; because the trouble has been we have given the Interior Department so much money to spend of their own that they could not spend it all, and they had no occasion to call for the services of these men.

Mr. SMOOT. So far as the \$3,151,000 for the Forestry Bureau is concerned, I think every dollar has been accounted for, and I do not think one dollar of it ever went to the Secret Service.

Mr. HEMENWAY. I am not criticising the appropriation in the slightest, so far as this item is concerned. I am simply trying to point out to the Senate that so far as concerns the charge that Congress hampered the Interior Department in detecting crime and enforcing the law, that charge is erroneous and ought never to have been made.

Mr. TILLMAN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from South Carolina?

Mr. HEMENWAY. Certainly.

Mr. TILLMAN. It follows, if the Senator's statement is true, and I think the facts bear him out—that Congress in nowise has hampered the executive branch of the Government in ferreting out crimes—that the charge made that Congressmen were afraid of being investigated must also fall to the ground.

Mr. HEMENWAY. When I get through with my remarks I think I shall have convinced myself at least, whether I do any one else or not, that the charge ought to fall to the ground.

Now, as to the Department of Justice, it might be inferred that this department was in some way hampered in making investigations. I make this statement, and I make it upon the authority of evidence from the Department of Justice, that they have complete power to investigate every crime against the Government, with the possible exception of counterfeiting, and that is because we make a specific appropriation to investigate counterfeiting. They have power to investigate every crime for which investigation a specific appropriation is not otherwise made. So there is no crime against the Government that can not be investigated by the Department of Justice or by one of the other departments of the Government.

Mr. GALLINGER. The Department of Justice has a force for that purpose.

Mr. HEMENWAY. The Department of Justice, following out the agreement made by the Secretary of the Interior and the Attorney-General, has been provided with a secret-service force of its own, and now has 40 men engaged on that work, and has power and funds to increase that force, because, as Senators well know, the Department of Justice has had a fund which it has carried over since the appropriation of a half million dollars was made to investigate trusts and to employ lawyers, to employ detectives, to be used in the discretion of the Attorney-General in ferreting out crime, and the department has had a balance from that appropriation for a number of years since the original appropriation was made. In fact, it has had more funds on hand each year than it could expend.

So no one can claim, Mr. President, that the Department of Justice has been hampered in ferreting out crime, in preparing

its cases, in having detectives to look up evidence, and watch juries, or in doing anything that can be done to bring to justice men who are guilty of crime against the Government.

Now, then, I want to make the further statement that if Congress had not appropriated sufficient funds to make these investigations of crime and to bring the criminals to justice, there might be some warrant in criticising the action of Congress. But I call upon any Senator to point out any single recommendation that has come to Congress in the last five years for the appropriation of funds to suppress crime or prosecute criminals that has not been promptly complied with. If the executive department of the Government has failed in enforcing the laws, it can not properly be charged to Congress. The fault is well explained by the efficient Secretary of the Interior, Mr. Garfield, in his testimony before the House committee, where he says their own officers have been negligent. He says:

Our own officers have been negligent in not using good common sense in acting upon cases that have come before them. The basis of the land system is the work of the register and the receiver. If you have not men that are straight, with knowledge of their districts, and with legal ability on the part of the register and of ordinary business sense on the part of the receiver, then we are going to have things radically wrong.

Congress does not appoint the registers and receivers, and is not responsible for the fact that men of this character have been placed in office. Then Congress ought not to be charged with responsibility for their inability to enforce the law.

He says further:

I think that much of the difficulty in land administration has been due to the failure to get the right sort of men as registers and receivers, and we have made a very great effort, and have had the hearty cooperation of the Members of the House and Senate in getting a better class of men for these positions, so that now we have very much less difficulty of that kind than we had before.

I want to pause long enough to congratulate Secretary Garfield upon being one man who has been willing in the present state of the public mind to compliment the House and the Senate, and to say that the Members of the House and the Senate have heartily cooperated in securing proper men for those positions.

Further, the inspection service that has gone into these offices during the last year has caused a number of recommendations, resulting in changes of registers and receivers, because they were men not fitted to carry on the work in the way that it ought to be carried on. (P. 482, sundry civil hearings, Jan. 30, 1909, H. R.)

Mr. TILLMAN. Mr. President—

Mr. HEMENWAY. The Senator will allow me for a minute. The Secretary makes this statement, and he is sustained by the Department of Justice, that in the fiscal year up to date there has been more done in the way of proper administration of the law than during any other similar period in the history of the Government. Yet this limitation was on the sundry civil act during the time when there has been more accomplished in the way of suppressing crime than during any other similar time in the history of the Government.

I can understand how men are ambitious to have more power, and how the head of the Secret Service Division would have liked to have had all of the inspection service of the United States under his control and deal them out to the various departments and have them report to him. That was one of his dreams. But the Attorney-General did not believe in it. The Secretary of the Interior did not believe in it. The other heads of departments did not believe in it. The evidence that our committee has secured proves beyond question that it would be a mistake.

We have the further statement from the Department of Justice that from an economical standpoint we save thousands of dollars by having the inspection service under the Department of Justice, where crime has to be looked into, cases worked up, witnesses secured by men who are competent to know what it takes to make their case. Senators sitting here to-day who have practiced law know that the first accomplishment necessary in a good lawyer is to know what he has to prove to make his case.

One of the objections to the use of secret-service men in the land-fraud cases was that they did not know what it required to make a case, and the result was that in Colorado, where many indictments were returned, cases had to be dismissed because the evidence did not sustain them. I want to say to the Senate of the United States and to the country that it is a very serious proposition to indict a man and bring him into court, and to that extent destroy his reputation, and then have to say, "It was all a mistake; there is not evidence enough to convict."

I heard the Senator from Montana on the floor of the Senate tell how this occurred in his State. Some 90 or 100 innocent men, as the record shows, were brought into court, their reputa-

tions destroyed. Many of them had been kept in jail. When the time came to try them the prosecution had to say, "We can not support our case."

Then, it is necessary for the protection of the citizen that men who are sent out to make these investigations have sufficient intelligence and sufficient knowledge of the law to know when they have secured the necessary evidence, and not bring men into court and afterwards turn them loose with reputations destroyed.

Mr. TILLMAN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from South Carolina?

Mr. HEMENWAY. I do.

Mr. TILLMAN. The Senator from Indiana has just mentioned the incompetency, or the unfitness, of receivers and registers of land offices as being the source of much of this trouble. I want to inquire whether they are appointed under the civil service.

Mr. HEMENWAY. I understand not.

Mr. TILLMAN. Then the President himself appoints them from the best information he can obtain, or for some other reason.

Mr. HEMENWAY. They are appointed by the President.

Mr. TILLMAN. The President the other day vetoed a bill in regard to the census, because the employees were not to be appointed as the result of civil-service examination; and yet he himself or his secretary does not follow that plan in regard to getting good men for this service.

Mr. SMOOT. Mr. President—

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Utah?

Mr. HEMENWAY. I do.

Mr. SMOOT. In further answer to the Senator from South Carolina, I will state that the President never appoints registers or receivers, however, unless they are agreed to by the Senators and Representatives in the land-office district.

Mr. TILLMAN. Unless they happen to come from the South.

Mr. SMOOT. Well, that may be true, but I mean, generally speaking.

Mr. FORAKER. Or from Ohio. [Laughter.]

Mr. CARTER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Montana?

Mr. HEMENWAY. I do.

Mr. CARTER. The registers and receivers of the land offices of the country are appointed by the President, by and with the advice and consent of the Senate, and in the long years during which these officers have been regularly appointed and have regularly served I think the records will show that no more efficient or faithful body of public servants has ever been sworn into the service of the Government in any capacity.

Within the last fifty years there have been very few cases indeed of misconduct and a trifling number of cases of embezzlement or misappropriation of money, notwithstanding from seven to ten million dollars were collected every year from public lands through these officers. If the record of the appointments under civil service could be compared with the record made by this class of officers the civil service would suffer most seriously by the comparison. The greatest possible care is exhibited in the selection. As a rule the register, a quasi judicial officer, is a lawyer; and the receiver is an expert accountant. I doubt if any process of examination would produce as able or competent a body of men as the registers and receivers are and have been.

Mr. NEWLANDS. Mr. President—

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Nevada?

Mr. HEMENWAY. I will be through in just a moment.

Mr. TILLMAN. If the Senator from Indiana will permit me, I should like to ask the Senator from Montana a question. Does the Senator disagree, then, with Mr. Garfield in his statement?

I think that much of the difficulty in land administration has been due to the failure to get the right sort of men as registers and receivers.

Does the Senator agree with Mr. Garfield?

Mr. CARTER. The registers and receivers, who have their offices at stated places, have been expected of recent years by the Interior Department to go into the country frequently a hundred or two hundred miles to inspect land. They have not been provided with traveling expenses or with means of locomotion except to go on foot. In consequence, I think the department has expected more than the provision made by the Government will supply.

Mr. TILLMAN. Just tell me whether Mr. Garfield is right or wrong. Are these good men or are they bad men?



Mr. CARTER. From my knowledge, Mr. Garfield is not borne out by the facts in the case if, as the Senator avers, he states that the officers referred to are bad men. The Senator may not understand the Secretary.

Mr. NEWLANDS. Mr. President, I should like to say a word on that subject.

Mr. HEMENWAY. I want to conclude my speech, and then I will yield the floor.

The VICE-PRESIDENT. The Senator from Indiana declines to yield.

Mr. HEMENWAY. Mr. President, in submitting the report from the committee we have simply tried to determine the facts, and I think they demonstrate that this limitation upon the sundry civil bill, which did not apply to more than 65 men, and now to 56 men, has in no way hampered the detection of crime or prevented the bringing of criminals to justice. The increased appropriations given to various departments of the Government bear out my statement that if there has been any lax administration, if criminals have gone unpunished, the departments have not performed their duty, and they can not charge it to Congress. Congress has given them every dollar they have asked for and given them every opportunity and every encouragement to detect crime and enforce the law.

Mr. CLAPP. Will the Senator from Indiana allow me to ask him a question?

Mr. HEMENWAY. Certainly.

Mr. CLAPP. I have no doubt the statement has been made, but I have not happened to see it, and perhaps there are others who have not, as to the reasons, if any have been assigned, for the amendment placing the limitation.

Mr. HEMENWAY. The reasons grew out of the fact stated by me in the early part of my remarks. The Secretary of the Interior and Attorney-General, from evidence shown in this report, had discovered that these men were making investigations as to land frauds, and they had no means of knowing what the investigations were, whether there had been a duplicate investigation. Detectives from the Secret Service were inspecting a matter pertaining to the Land Office, under the charge of the Secretary of the Interior, and if crime was discovered the law must be enforced by the Department of Justice; but these detectives did not report to the head of either department, but reported back to the Chief of the Secret Service. It was bad administration. I do not think any man who has had any experience in legislation or in executing the law would for a minute encourage such administration.

Mr. CLAPP. If the Senator will pardon me, was it not at the suggestion of these officers that it was done?

Mr. HEMENWAY. I do not know.

Mr. NEWLANDS. Mr. President, I wish to say just one word regarding the question of registers and receivers of the land office which the Senator from South Carolina [Mr. TILLMAN] put. There has been in the past a very lax administration of the land laws of the country, which has resulted in extensive frauds upon and evasions of the law, and many prosecutions have been pending in that region with reference to such frauds. Secretary Garfield, since he assumed his office, has taken the view that it is fully as important to prevent these frauds in the future and to reform the administration of the law as it is to punish those who have offended against the law. He has been particularly insistent that good men should be appointed as registers and receivers; he has sought the cooperation of Senators and Representatives from the West in that direction; and he has, according to his own statement, secured that cooperation.

In my judgment, Mr. Garfield is one of the most efficient Secretaries of the Interior we have had. I have not within my experience known any official who has been more persistent in inquiring upon the ground itself into all matters relating to our Indian Service, our Land Service, and our Irrigation Service. He has thoroughly familiarized himself with all the problems of the West by personal contact with the enterprises themselves and by personal contact with western men, and he has in all instances sought to bring into cooperation with him the best sentiment of the West.

I regret very much to learn that Mr. Garfield is not included in the next Cabinet to carry on the good work that he has already inaugurated.

Mr. OVERMAN. Mr. President, I just want to say that if I heard the reading of the report correctly, the enormous sum of more than \$10,000,000 has been spent in the Secret Service of the Government, and there is an army of men engaged in that service.

For the information of the chairman of the committee and the Senate, I wish to show in a few moments how some of

this money is being spent and the character of the men who compose this grand army of the Republic.

I had occasion at the last session, Mr. President, to criticize the report of the Attorney-General, in which he said there was peonage in North Carolina. I thought it was a slander, and I believe now that it was a slander upon my State. I stated in that speech that there had been no peonage cases in North Carolina except in the extreme eastern and extreme western parts of the State, where certain foreigners had come down for the purpose of building railroads, and there were some indictments, but every man who was tried was acquitted, and the district judge had said that the prosecutions were frivolous.

Now, I want to call the attention of the Senate to a very significant fact. After I had made those few remarks here in the Senate it was announced in the papers of my own particular section of North Carolina, to wit, in the Piedmont section, that detectives there were on the track of the cotton-mill men of North Carolina and that certain leading men in my State had been indicted for peonage. It turned out on the trial that was held a few weeks ago that this great Government of ours had gone to North Carolina and employed as detectives discharged cotton-mill hands who could not prove a good character in court. The cases were tried. There were indictments had against leading men in my State. Charges were brought by detectives, self-convicted criminals, employed at \$2 a day, men of infamous character; and so flimsy was the testimony, so outrageous the prosecution, that the judge upon the bench felt called upon to go out of his way to criticize this great Government for bringing such charges against these good men of a great State.

I desire the Secretary to read from the report of that trial. I want the committee to hear it. I want to show the country how the people's money is being spent and wasted by the Government in indicting and trying good citizens of this country upon frivolous charges. I want the country to know what the judge on the bench says. I want the country to know the character of the witnesses and the character of the detectives employed by the Department of Justice. I ask that the Secretary read from one of the leading newspapers—one of the best papers in the country, the Charlotte Observer—what the judge said, what the lawyers said, what the witnesses testified, and what the paper said editorially, and let there be an end of such prosecutions upon such frivolous charges.

The VICE-PRESIDENT. Is there objection to the request of the Senator from North Carolina that the paper submitted by him be read by the Secretary? Without objection, the Secretary will read as requested.

Mr. HALE. Mr. President, I do not wish to interfere with the Senator from North Carolina [Mr. OVERMAN], but this whole proceeding is by unanimous consent. A very important appropriation bill is ready for the consideration of the Senate. I had hoped to be able to take it up and, as there is not likely to be any contest upon it, to conclude it this afternoon in order that the Senate might, in view of to-morrow and the next day, adjourn until Monday.

Mr. OVERMAN. It will take only a few minutes. There is only one column anyway.

Mr. HALE. The Senator is not in any way a man who takes up time here unnecessarily. I am not going to interfere with him, but I appeal to Senators to allow business to proceed. After the paper has been read I think I must make an objection to the continuation of this debate.

Mr. OVERMAN. Very well.

The VICE-PRESIDENT. The Secretary will read the paper.

The Secretary read as follows:

[The Charlotte Observer, Saturday, December 19, 1908.]

#### THE "PEONAGE" CASE FIASCO.

The cotton manufacturers and other employers of labor in North Carolina will be heartened by the clear-cut certain sentences which Judge Boyd uttered in the United States district court here yesterday to the jury which brought in a verdict of "not guilty" in the alleged "peonage" cases against reputable citizens of Gaston County. He concurred in the verdict and expressed in vigorous terms his opinion regarding cases which are brought on flimsy evidence and with no legitimate end in view. It is safe to say that no more "peonage" cases which have no substantive basis to rest upon will be brought in his court; and with the outcome here yesterday and the result of the English immigrant cases at Greensboro about two years ago in mind, it is reasonably safe to say that the so-called "Department of Justice" at Washington will not soon again institute frivolous prosecutions against honest men in this Federal district of North Carolina.

#### CHARLOTTE CASES.

The facts connected with the recent prosecutions of Andrew B. Moore, manager of Loray Mills; B. J. Dobbins, superintendent of the Loray Mills; L. H. Moore, bookkeeper of the Loray Mills; and J. W. Prim, superintendent of the Anchor Mills, of Huntersville, make an interesting story. It seems that the great United States Government has a special department at Washington that is giving its attention

to the offense of peonage, and as is usually the case is looking to the South for violations of the offense. These people up there seem to have an idea that as the South was once a slaveholding country, that she is still trying to uphold that institution and to enforce "involuntary servitude." Some government officials have been "nosing" among dissatisfied and irresponsible people and have discovered many "mares' nests."

The bill of indictment was served upon the gentlemen above named, but when the case came for trial, there was not a vestige of offense on most of the accounts in the bills of indictment; and as to those cases where there was what the lawyers call a "scintilla of evidence," it was so flimsy that the jury could not hesitate a single moment in deciding the cases. All of these men who were charged with this offense denied in the most emphatic language that they ever at any time attempted to make any man work in the mill against his will. Indeed, they say, it would be the height of folly to attempt to force a man to work in the mill, for the reason that a dissatisfied employee could with the greatest ease wreck the machinery and do more damage in one minute than could be repaired in many weeks. So that, as a matter of fact, no mill owner wants to force an employee to work in his mill.

#### THE STAR WITNESS.

But the curious thing about the cases just tried against Messrs. Moore and Dobbins was that one Ed McFadden was the star witness; and strange as it may seem, it is yet true that McFadden was the man who had himself been an employee of the Loray Mills, and he claimed that he was the one who had held these several parties as peons. In other words, he was the real guilty man according to his own confession; and yet, instead of prosecuting McFadden, the great United States Government employed him to get up evidence to convict Moore and Dobbins of being participants in his crime. McFadden testified that the government agents paid him \$2 per day and all his traveling expenses while he went around with them working up these cases against Moore and Dobbins.

#### LAWYERS ROAST THE GOVERNMENT.

It is not surprising that with this state of affairs the lawyers for the defendants gave the Government a good roasting. Mr. Tillett, in his argument for the defendants before the jury, stated that there seemed to be something behind these prosecutions, and there seemed to be somebody somewhere who was trying to disturb our labor conditions and threaten and intimidate our cotton-mill men. He referred in scathing language to the spectacle presented in this case, in which the money of the Government, which belongs to all the people, was being spent to hire a self-convicted offender to go about the country and get up testimony to punish other people for his own wrongdoings. He showed what an outrageous wrong was done to have innocent men, men of the highest standing and respectability, arrested and hauled before the courts upon charges furnished by such a man as McFadden, and he asked the jury to give a sharp rebuke to such prosecutions and to let the authorities at Washington and elsewhere know that such proceedings could not be tolerated and that they might as well stop spending the Government's money in this way. His appeal was that our cotton-mill men be let alone and be allowed to work out for themselves the many and difficult problems that confronted them. Mr. Mangum, of Gastonia, also spoke for the defendants along the same line.

#### JUDGE BOYD'S POSITION.

A good many people have an idea that the federal court is a foreign institution, but it should be borne in mind that this court is made up of our own people. Judge Boyd is a native and citizen of this State, and all the jurors are citizens of this State and likewise the other court officials. It is not surprising, then, that the jury not only promptly returned a verdict of not guilty in the case, but that Judge Boyd delivered himself in clear language condemning unreservedly such prosecutions as these. He seemed to think that it was well enough to let the people who were stirring up such charges know that it was useless to bring them into his court where there was no more foundation for them than there was in these cases. It is thought that Judge Boyd's wholesome remarks from the bench will serve to put a quietus upon this business for a while at least.

#### LET US HAVE PEACE.

The Observer makes bold to express the hope that with the incoming administration Mr. Taft, who has manifested a friendly disposition to the South, will put men in the saddle in the Department of Justice, and elsewhere, who will not have any desire to harass and vex the southern people with unjust and vexatious prosecutions. Nobody here wishes to permit any slavery or peonage, but the Government can not afford to be relying upon the statement of every dissatisfied and unscrupulous employee and bring before the courts our "captains of industry" and men who are doing more than any others for the upbuilding of our material prosperity. In the language of General Grant, "Let us have peace."

During the reading of the foregoing paper.

The VICE-PRESIDENT. The hour of 3 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. A bill (S. 6484) to establish postal savings banks for depositing savings at interest, with the security of the Government for repayment thereof, and for other purposes.

Mr. CARTER. I ask unanimous consent that the unfinished business be temporarily laid aside.

The VICE-PRESIDENT. Without objection, it is so ordered. The Secretary will resume the reading of the paper.

After the reading of the paper had been concluded,

Mr. HEMENWAY. I ask unanimous consent that 2,000 extra copies of the report I have just filed be printed for the use of the Senate. Quite a number of Senators have asked that additional copies be supplied.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

#### NAVAL APPROPRIATION BILL.

Mr. HALE. A good many Senators, as the morning hour has been cut off, have matters to present in the ordinary run of morning business. I should like to have unanimous consent to

take up the naval appropriation bill; and then I will not try to proceed with it until the morning business has been completed.

The VICE-PRESIDENT. The Senator from Maine asks unanimous consent for the present consideration of the bill (H. R. 26394) making appropriations for the naval service for the fiscal year ending June 30, 1910, and for other purposes. Without objection, the bill is before the Senate, and at the request of the Senator from Maine it will be temporarily laid aside.

#### BILLS INTRODUCED.

Mr. BEVERIDGE introduced a bill (S. 9296) granting an increase of pension to James P. Logan, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CLAPP introduced a bill (S. 9297) granting a pension to Louise Lawson, which was read twice by its title and, with the accompanying paper, referred to the Committee on Pensions.

Mr. ELKINS introduced a bill (S. 9298) authorizing the preparation of plans, estimates, and survey for a bridge across the Eastern Branch of the Potomac River on the line of Massachusetts avenue extended, in the District of Columbia, which was read twice by its title and referred to the Committee on the District of Columbia.

Mr. GALLINGER introduced a bill (S. 9299) to regulate the price of gas in the District of Columbia, and for other purposes, which was read twice by its title and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 9300) to provide for the extension of Newton place NW., from New Hampshire avenue to Georgia avenue, and to connect Newton place in Gass's subdivision with Newton place in Whitney Close subdivision, which was read twice by its title and, with the accompanying papers, referred to the Committee on the District of Columbia.

Mr. McCUMBER introduced a bill (S. 9301) to provide for refund to Adam Pfeifer of money erroneously paid by said Adam Pfeifer to the Government of the United States in making final homestead proof, which was read twice by its title and, with the accompanying papers, referred to the Committee on Public Lands.

He also introduced a bill (S. 9302) for the relief of Margaret F. Watson, which was read twice by its title and referred to the Committee on Claims.

Mr. FRYE (by request) introduced a bill (S. 9303) to provide for the better security of lives of passengers and crews on board vessels of the United States, which was read twice by its title.

Mr. FRYE. This is a very important bill, and is the result of the deliberations of the commission appointed by the President. I approve of some of the provisions and of some others I can not approve. Therefore I wish that the bill may show that it was presented by request.

I move that the bill be referred to the Committee on Commerce.

The motion was agreed to.

Mr. McCREARY introduced a bill (S. 9304) for the relief of Madison County, Ky., which was read twice by its title and referred to the Committee on Claims.

Mr. CLAPP introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, which were ordered to be printed, referred to the Committee on Indian Affairs:

A bill (S. 9305) to provide for the disposal of the unallotted land on the Omaha Indian Reservation in the State of Nebraska; and

A bill (S. 9306) to authorize the issuance of patents to members of the Turtle Mountain Band of Chippewa Indians for allotments and selections made under the act of April 21, 1904.

Mr. McENERY introduced a bill (S. 9307) for the relief of the Louisiana State Bank, which was read twice by its title and referred to the Committee on Claims.

#### AMENDMENTS TO APPROPRIATION BILLS.

Mr. BEVERIDGE submitted an amendment proposing to increase the limit of cost for the purchase of a site and erection of a post-office building at Goshen, Ind., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. HEYBURN submitted an amendment proposing to appropriate \$125,000 for the purchase, by condemnation or otherwise, of additional lands and grounds for the government building at Boise, Idaho, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. CARTER submitted an amendment proposing to acquire water rights and necessary lands therewith, intended for a permanent water supply for Fort William Henry Harrison, Mont.,



etc., intended to be proposed by him to the army appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

Mr. OVERMAN submitted an amendment providing for the completion of the roadway from the Salisbury National Cemetery from Union street in the city of Salisbury, N. C., to the Salisbury gate, etc., intended to be proposed by him to the army appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

Mr. BURKETT submitted an amendment proposing to appropriate \$30,000 to establish a denatured-alcohol distillery at Lincoln, Nebr., intended to be proposed by him to the agricultural appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

Mr. CULLOM submitted an amendment proposing to appropriate \$1,300 for the necessary expenses in fulfilling the obligations of the United States as a member of the International Seismological Association, etc., intended to be proposed by him to the diplomatic and consular appropriation bill, which was referred to the Committee on Foreign Relations and ordered to be printed.

Mr. ELKINS submitted an amendment proposing to appropriate \$2,500 for the equipment of certain suburban school buildings in the District of Columbia with stationary chemical fire-extinguishing appliances, intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. DEPEW submitted an amendment proposing to appropriate \$80,000 for the construction of a steam vessel for the Revenue-Cutter Service for anchorage duty at the port of New York, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

#### REPORT ON FUELS AND STRUCTURAL MATERIALS.

Mr. DIXON. I present a letter from the President of the United States, transmitting a copy of the report of the advisory board on fuels and structural materials. I move that the letter and accompanying report be printed as a document (S. Doc. No. 713).

The motion was agreed to.

#### PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. M. C. Latta, one of his secretaries, announced that the President had on the 11th instant approved and signed the following acts:

S. 568. An act for the relief of Capt. George Van Orden, U. S. Marine Corps;

S. 2969. An act for the relief of O. Maury & Co., of Bordeaux, France; and

S. 3808. An act to refund certain excess duties paid upon importations of absinthe and kirschwasser from Switzerland between June 1, 1898, and December 5, 1898.

#### COMMISSION ON NATIONAL HISTORICAL PUBLICATIONS.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States (S. Doc. No. 714), which was read, and, on motion of Mr. HALE, was, with the accompanying paper, ordered to lie on the table and be printed: *To the Senate and House of Representatives:*

I transmit herewith, for the consideration of the Congress, a report by the committee on department methods on the documentary historical publications of the United States Government, together with draft of a proposed bill providing for the creation of a permanent commission on national historical publications.

THEODORE ROOSEVELT.

THE WHITE HOUSE, February 11, 1909.

#### RESTRICTIONS ON INDIAN LANDS.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives, disagreeing to the amendments of the Senate to the bill (H. R. 16743) for the removal of the restrictions on alienation of lands of allottees of the Quapaw Agency, Okla., and the sale of all tribal lands, school, agency, or other buildings on any of the reservations within the jurisdiction of such agency, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CLAPP. I move that the Senate insist upon its amendments and agree to the conference asked for by the House of Representatives, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and the Vice-President appointed Mr. CLAPP, Mr. CURTIS, and Mr. PAYNTER.

#### CONSTITUTION ISLAND.

The VICE-PRESIDENT laid before the Senate the request of the House of Representatives to be furnished with a copy

of Senate amendment to the joint resolution (H. J. Res. 219) to accept the gift of Constitution Island, in Hudson River, New York, to replace the original copy of amendment, which had been lost; and there being no objection, by unanimous consent, the request was ordered to be complied with.

#### HOUSE BILLS REFERRED.

H. R. 23473. An act extending the time for final entry of mineral claims within the Shoshone or Wind River Reservation in Wyoming was read twice by its title and referred to the Committee on Indian Affairs.

H. R. 25139. An act to amend an act entitled "An act to ratify, approve, and confirm an act duly enacted by the legislature of the Territory of Hawaii to authorize and provide for the construction, maintenance, and operation of a telephone system on the Island of Oahu, Territory of Hawaii," approved June 20, 1906, was read twice by its title and referred to the Committee on Pacific Islands and Porto Rico.

H. R. 27250. An act to provide for the government of the Canal Zone, the construction of the Panama Canal, and for other purposes, was read twice by its title and referred to the Committee on Inter-oceanic Canals.

#### ADOLPHUS ERWIN WELLS.

Mr. OVERMAN. I move that the President of the United States be requested to return to the Senate the bill (H. R. 10752) to complete the military record of Adolphus Erwin Wells.

The motion was agreed to.

#### CENTENARY OF THE BIRTH OF ABRAHAM LINCOLN.

Mr. GORE. I move that the Senate request the House of Representatives to return the joint resolution (H. J. Res. 247) relating to the celebration of the one-hundredth anniversary of the birth of Abraham Lincoln, and making the 12th day of February, 1909, a legal holiday, and for other purposes, with the Senate amendment to the same.

The motion was agreed to.

#### LANDS IN KOOTENAI COUNTY, IDAHO.

Mr. HEYBURN. I ask unanimous consent for the present consideration of the bill (S. 8822) providing for the relinquishment by the United States of certain lands to the county of Kootenai, in the State of Idaho. An exigency exists in this case; public work is being retarded; and there is no controversy about the matter.

Mr. HALE. And there will be no debate?

Mr. HEYBURN. No debate at all.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It provides for the relinquishment by the United States unto the county of Kootenai, in Idaho, of all of its right, claim, or title to or possession of a certain piece or parcel of land situated in Kootenai County, in the State of Idaho, being a part of lot 49, which is a portion of the Fort Sherman Military Reservation.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### LIFE LINES ON SCOWS.

The bill (H. R. 27970) to amend section 8 of the act approved May 28, 1908, entitled "An act to amend the laws relating to navigation, and for other purposes," was read twice by its title and referred to the Committee on Commerce.

Mr. DEPEW subsequently said: I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 27970) to amend section 8 of the act approved May 28, 1908, entitled "An act to amend the laws relating to navigation, and for other purposes," to report it favorably without amendment. As the bill is very brief, I ask unanimous consent for its present consideration.

The VICE-PRESIDENT. The Senator from New York asks unanimous consent for the present consideration of the bill which he has just reported. Is there objection?

Mr. DEPEW. Mr. President, at the last session there was enacted a bill which I introduced at the request of certain marine bodies in New York for the purpose of putting life lines and other methods of protection on scows going out to sea. It was meant to apply only to scows which went beyond the harbor. This bill is intended to restrict the operation of that act to such scows, and not to have its provisions apply to those which work simply in the harbor of New York. The bill has passed the other House.

Mr. KEAN. While this matter is up, I want to ask the Senator from New York if he has ascertained whether this will assist the people engaged in the shad fisheries, who are now for-

bidden under the law passed last year even to go out in boats and draw in their nets?

Mr. DEPEW. It will assist, as I understand, all that class of boats that do not go out to sea that are now compelled to obey those regulations and put life lines and other paraphernalia on their scows, which it is impracticable for them to do.

Mr. KEAN. Then it will relieve the people engaged in the shad fisheries?

Mr. DEPEW. It is intended to do that.

Mr. CULBERSON. Mr. President, we are unable to hear the conversation which is going on on the other side of the Chamber.

Mr. FRYE. Mr. President, this bill relates to scows in New York Harbor which carry out the refuse of the city of New York and dump it into the ocean. It is utterly impossible for them to have life lines or ropes. All the bill does is to relieve them from that requirement.

Mr. CULBERSON. I understand this is a House bill which has been reported favorably from the Committee on Commerce?

Mr. DEPEW. Yes, sir.

The VICE-PRESIDENT. The bill has been favorably reported from the Committee on Commerce by the Senator from New York [Mr. DEPEW], who has asked unanimous consent for its present consideration.

Mr. HALE. It will not give rise to debate?

Mr. DEPEW. No.

The VICE-PRESIDENT. The bill will be read for the information of the Senate, subject to objection.

The Secretary read the bill, as follows:

*Be it enacted, etc.,* That the requirements in regard to life line or rope contained in section 8 of the act approved May 28, 1908 (being chap. 212, Stat. L., 1st sess. 60th Cong.) entitled "An act to amend the laws relating to navigation, and for other purposes," shall not apply to any scow or boat the deck outside the coaming or rail of which shall not exceed 1 foot in width. On any such scow or boat its name or number and owner's name painted in letters and numbers, at least 14 inches long on both ends of such scow or boat, shall be a compliance with the provisions of the said section in regard to name, number, and owner's name.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### COMPANIES B, C, AND D, TWENTY-FIFTH INFANTRY.

Mr. McLAURIN. Mr. President, I desire to submit a few remarks on what is known as the "Brownsville affair," and I ask that Senate bill 5729 be laid before the Senate.

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Mississippi?

Mr. HALE. Yes, Mr. President, for the present; though, of course, I do not want the naval appropriation bill displaced.

The VICE-PRESIDENT. The Chair lays before the Senate the bill referred to by the Senator from Mississippi.

Mr. HALE. Let the title of the bill be read.

The VICE-PRESIDENT. The Secretary will read the title of the bill.

The SECRETARY. A bill (S. 5729) to correct the records and authorize the reenlistment of certain noncommissioned officers and enlisted men belonging to Companies B, C, and D of the Twenty-fifth U. S. Infantry who were discharged without honor under Special Orders, No. 266, War Department, November 9, 1906, and the restoration to them of all rights of which they have been deprived on account thereof.

Mr. McLAURIN. Mr. President, on the night of the 13th of August, 1906, the people of the town of Brownsville, a population of six or eight thousand, retired in supposed perfect safety and protection. There were three companies of United States soldiers stationed in the town, organized, armed, equipped, and salaried by the people of the United States, including the people of Brownsville, to protect all the people of the United States, including the people of Brownsville. They were sworn to this effect. These soldiers were negroes—about 150 in number.

About midnight of this day a fusillade of high-power guns was turned loose upon the houses and the sleeping occupants thereof, and upon any who happened to be in the streets; and one man was killed in his house, a lieutenant of police had his arm shot off, and another man was slightly wounded in the hand. This murderous assault was made without the least warning to any citizen of the town, and upon the population who were resting in supposed perfect security.

The eyes of all who were in eyeshot of the firing immediately turned upon the assassins, and to the astonishment of the populace they were discovered to be negro soldiers. Their flight to the barracks where the three companies were quartered evidenced, and even demonstrated, that they were members of the three companies, B, C, and D, of the Twenty-fifth Infantry, whom I have just mentioned.

The President of the United States promptly and properly set to work to ascertain whether it were true, as charged in the next day's dispatches, that the soldiers who were organized for the protection of the country and the community where they were stationed, had actually made a raid upon a peaceable town and shot its citizens who were in the peace of the Commonwealth. He ascertained beyond doubt that soldiers of these three companies, and they alone, were the murderers, and then set agencies to work to ascertain, if possible, which particular soldiers were the principals engaged in the murder of one citizen, maiming of another for life, wounding another, and shooting into houses where men, women, and children were asleep, and endangering their lives.

He was unable to fix with certainty the identity of the ones who did the shooting, but he became thoroughly convinced that practically all the members of these three companies knew who did the shooting or were cognizant of facts which would disclose the identity of the real perpetrators of the murderous act, if they would divulge them. The negroes refused to disclose the names of the assassins.

Under this state of facts, what was the President to do? What ought he to do as Commander in Chief of the Army? Here were three companies of soldiers, one-tenth of whom had, "in that noon of night, when thought mounts her zenith with the stars, and graveyards yawn and give up their dead," shot into the houses of an unoffending American town, murdered and maimed its citizens, and the other nine-tenths could disclose the identity of the murderers if they would, and refused to do so. If these soldiers, after the commission of this brutal murder of one citizen and murderous assault upon the whole population of the town, were to go entirely unpunished, they would thereby be encouraged to the commission of other crimes of the same diabolical character, and on a larger scale. If one was to go unpunished all must go unpunished, because it was impossible to name the specific individuals who pulled the triggers of the guns when the shooting was done. It was therefore impossible to punish any soldier, either by the military discipline or by the civil government, on a charge of murder.

Must the President, therefore, leave these men, one-tenth of whom are known to be assassins, in the town of Brownsville to further terrorize the citizens? Imagine the consequences. The people could not afford to retire to their rest at night under such circumstances, and they would naturally provide some means for their defense, and, in doing so, they would endanger the peace of the community, which danger might result in the death of hundreds of citizens and in the destruction of the entire three companies of negro soldiers as well. Would any fair-minded citizen blame the people of the town of Brownsville for so organizing for their protection under such impending threats? You would not; you could not blame them.

No fair-minded man can say for a minute that the people of Brownsville could have felt safe in the lives of their men, women, and children if these troops had been left there after the shooting of the night of the 13th of August, 1906, with no punishment inflicted upon anybody. No just man would have put such an infliction upon any community. If that is so with reference to Brownsville, is it not so with reference to every other community in the United States? If they were not fit to remain in Brownsville as an organized body, were they fit to be sent to a town in any other part of the country? If not, then what was the President to do except to discharge them from the army? Not to punish them, but to discharge them from the army, because they were no longer, under the circumstances, of any use to the military service of the country.

You say this is punishment indiscriminately of guilty and innocent alike. This is a mistake; it is not the punishment of anybody. You say men are being punished without trial and without conviction. They are not being punished. They can no longer serve the country with efficiency nor with safety to the citizens of the country, and they must necessarily, therefore, be discharged if the people are to be protected from murder and assassination. This is not punishment of the soldiers, but protection of the lives of the people.

If you had a bushel of wheat one-tenth of which was saturated with poison and you could not discriminate between the healthy and the poisonous wheat, you would reject it all. You would not give the wheat thus contaminated to a horse, nor would you give bread made from it to a dog.

If a hundred and fifty American citizens were on board a ship and one-tenth of them had been exposed to yellow fever or smallpox or cholera, and you could not distinguish those who had from those who had not been so exposed to these plagues or diseases, you would not permit one of the cargo of passengers to land upon our shore. It would not be a punishment of the innocent without trial; it would be an exigency which would



necessitate their exclusion for the protection of the health and lives of the people of the country. So in this case, the exclusion of all the members of the Companies B, C, and D, of the Twenty-fifth Infantry, was not a punishment of the innocent with the guilty, but it was a necessity that could not be avoided by any power of the military or civil government. The people are not for the army, but the army is for the people. When any company or companies of soldiers are no longer of any service to the country it is the right of the country and the duty of the Government to disband them. More especially is this so when any company or companies, in their organization, are dangerous to the lives and peace of the people.

But a resolution was introduced by the senior Senator from Ohio to investigate the action of the President and the Secretary of War in disbanding these three companies. That able, learned, and distinguished Senator is to be congratulated on the triumph in the Senate which seems now to be almost within his grasp. At the outset he seemed to have before him a hopeless task. It is fair to say that at least one-half of the Republican Senators and all the Democratic Senators were opposed to the bill which he presented at the conclusion of the investigation that proceeded from the resolution that he introduced. Now, if present indications are worthy of credence, it seems that he will be able to rally nearly the entire support of the Republican Members of the Senate for his bill. He has accomplished this against the power and influence of the administration. Grappling with the administration in mortal political combat with one hand, he has been able with the other to compel the hostile Republican party in the Senate into obedient followers of his flag, and this just as he is leaving the Senate. Certainly he is to be congratulated even if his triumph should go no further.

Of course I have no right in this body to say what the President will do with the bill if it should ever get to him; whether he will sign it or veto it. One can scarcely help conjecturing, however, that the President would hardly stultify himself by putting upon the bill the approval of his signature.

I think the President acted with due deliberation in his investigation of the Brownsville affair. I think he had sufficient facts before him to justify him in the course he pursued, and he can hardly be expected now, just as he is going out of office, to attach his signature to a bill that would condemn him in all history. If he gave proper consideration to the case when it was presented to him, and rendered a fair decision upon it, why should he now be expected to confess by the approval of this bill that he was hasty, inconsiderate, and unjust in the one act which, above all other acts of his, should entitle his administration to the esteem of his countrymen?

His discharge of these negro soldiers was absolutely necessary to the security of life and the protection of property. It was necessary for him to discharge these three companies of negro soldiers, or else impose their threatening and dangerous presence upon the town of Brownsville or some other community in the country, one-tenth of whom had demonstrated their capacity to commit brutal, cowardly, and diabolical murder with impunity, and the other nine-tenths either so worthless that under the glaring circumstances they could not detect the least evidence that would point to the criminals, or so base and depraved that they would not disclose the evidence that would lead to the detection of the actual participants in the terrible crime.

No man in the President's position could hesitate for a minute as to what he should do, and the President is entitled to the plaudit, "Well done, good and faithful servant," for the act of discharging the whole worthless band. It is not to be expected now that he will do any act in reference to this matter that will draw a black mark across a course of conduct in the matter deserving of such high commendation.

If they had been white soldiers instead of negroes who were guilty of the murderous affray in Brownsville, I do not believe their discharge by the President would have excited any interest in or provoked any consideration of Congress. But as soon as the President, in the faithful performance of an exalted duty, discharged the murderous band of negroes the anger of the negro race all over the country was aroused.

Almost the entire negro race in the country poured out their wrath upon the President and demanded the restoration of these three companies of negroes to the army. They made no inquiry of the facts, they cared nothing of the guilt of the negroes. It was enough for them that the negroes had murdered white people and not negroes, and that the President had taken steps to prevent the recurrence of such a horrible crime, and that the steps taken by the President discharged the guilty negroes from the army. The negroes, without regard to the merits of the case, made it a race issue and demanded of the

President that he surrender to them his judgment and discretion in the performance of this high duty. There were, and are, some negroes who did not, and do not, take this vicious view, but they are the exception and not the rule.

The negro race, with these exceptions, now demands of Congress without regard to the justice or merits of the case that these three companies be restored to the army simply because they are negroes. It is useless to talk of restoring the innocent and excluding the guilty. When I say guilty, I mean the ones who actually did the shooting, for I believe every negro in the three companies is guilty in the sense that every one of them knew who did the shooting and concealed his knowledge of the crime, and is therefore guilty of the grossest breach of discipline. You can not distinguish between those who are guilty of the act and those who are not, and therefore if you restore one you must restore all, including the assassins.

I appeal to you to be careful of what you do in this regard. Do not restore these bloody assassins to the army. Do not give them to understand that their cruel crime is indorsed by the Congress of the United States. I know you do not mean to indorse this crime by the action you take on this bill, but every negro, both in the army and outside of the army, will understand by your passage of this act that you mean to indorse the diabolical crime committed by the negro soldiers in Brownsville.

And why should they not so understand? They understand the traits of the negro, but they do not know that you do not understand them. They know that it was impossible for one-tenth of the negro soldiers to take their guns and ammunition and fire volley after volley into the town not more than 350 yards from the barracks and to arouse both the populace and the soldiers by resounding arms and then return to the barracks ten or twelve minutes after the firing without discovering their identity to any other soldiers. They know further that negroes do not conceal from one another their acts of violence committed against white people. They know that it would have been a matter of boast of the negroes who did the shooting to those who did not participate that they were the heroes of this bloody tragedy.

In the South, when the negroes commit a crime against the white race, they have nothing to fear of disgrace in the estimation of their race. When a negro has been sent to the penitentiary and served his sentence, or is pardoned and returns to his old haunts, instead of with a mark of infamy he returns as one distinguished. They often boast of the fact that they are of such consequence that they have been sent to the penitentiary for crime, and therefore other negroes must beware of incurring their displeasure, because they have upon them the insignia of a dangerous man in the fact that they have served in the penitentiary.

It is no pleasure to me to recount these traits of the negro character. I wish it were not so. But it is so, and the fact that it is so ought to be prominent in the consideration of this question. I can not shirk this duty. I owe its performance to the country in general, and to the people of Mississippi in particular. The people of Mississippi have been and are good to me. I owe it to them when I see a dangerous measure like this impending to give, if I can, the facts that ought to be considered in its aversion, however unpleasant to do.

Let it once be admitted that the criminal actors of the murderous affray at Brownsville were members of the negro companies—and what impartial thinking man could reach any other conclusion—and let it be admitted that it is impossible to distinguish the guilty from the innocent members of the company, admitting for the sake of argument that there are innocent members, and to me the restoration of these three companies to the army is horrible to contemplate. I was about to say the restoration of these companies to the service of the country in the army, but I will not say that, because it is impossible for companies in this state of case to serve the country in the army. Tainted with one-tenth of their number as assassins, nobody could trust them.

The Senator from Ohio spends hours in an exhaustive attempt to show that the most strenuous efforts of the President have been unable to distinguish the guilty from the innocent; that after spending thousands of dollars and weeks and months of labor, the President has been unable to designate a single one of the bloody actors in that tragedy. Not only does the Senator from Ohio contend that the President has been unable to designate one of the criminal actors, but he contends that the President's most strenuous efforts have not been able to throw any reasonable suspicion upon any one. It has been two years and nearly a half since the crime was committed, and if during that time all the efforts that have been exerted have failed to give a single circumstance that would indicate the par-

ticular ones that did the shooting, how is it possible for a board composed of five officers to designate any particular ones as the guilty—even if we hold that none are guilty except those who pulled the triggers?

If not, what then is to be the rule? Is every man to be presumed innocent until proof points conclusively to his guilt? If so, the enactment of this bill will be virtually to restore the three companies entire, because it will be impossible to distinguish the ones who did the shooting from those who did not participate. Admitting the guilt of some—about one-tenth of the three companies—does any Senator want these guilty assassins in the army? If he does not want them in the army, is he so solicitous to have the other nine-tenths in the army that he is willing to vote the one-tenth of the number who are assassins of the blackest type into the army in order to put the other nine-tenths in the army uniform?

But let us reverse the case. If it is the proposition to only restore those who can prove their innocence, how is that going to be done? You can not prove the innocence of a part of these three companies unless you prove the guilt of the other part, and, if, as the Senator from Ohio has said, it is impossible to prove that any particular ones did the shooting you can not prove the guilt of anyone. You can not prove the innocence of one without proving the innocence of all. If, as has been suggested, all who will swear they are innocent shall be permitted to return to the army and draw pay from the time they were discharged, notwithstanding they have not rendered any service during this time, the guilty will be almost compelled to take the oath, lest their failure to do so will be construed as a confession of their guilt. Men who will commit such cold-blooded midnight murder as was perpetrated at Brownsville will not hesitate to blacken their putrid souls with the foulest perjury. So in either point of the dilemma to establish the board would be vain legislation.

If there is any in the three companies who is innocent of the shooting, and innocent of any participation in it, and innocent of any guilty knowledge, and if a hardship has been put upon him, it has been done, not by the President of the United States, but by his own comrades. It will not do to say that he is not responsible for the acts of his comrades, because the answer to that is, neither is the President nor the Secretary of War responsible for the acts of these negroes' comrades. The acts of the guilty ones have made it impossible for those three companies to hereafter serve the country with efficiency, and the Government is no more responsible for this than the most innocent member of the company, if there is such a member.

I reiterate my plea to Senators: Do not vote these negroes back into the army merely because they are negroes, for if you do you will encourage the vicious negroes to believe that it matters not what crime they commit against white men, white women, and white children, they will only have to look to Congress for immunity from responsibility. The lives of many men and helpless women will be sacrificed to this morbidly depraved ignorance of the most vicious and callous element of negroes if they are thus permitted to believe. Some who are thus sacrificed will be themselves negroes murdered by members of their own race; for when a vicious negro gets on the rampage he is liable, for want of better food for his powder, to dip his hand in the blood of his own race. I know you do not intend this result. You do not believe that our knowledge of the negro is accurate and full, nor that our judgment is correct. This is so because you have not been where you could learn the negro traits of character. If you thought our apprehensions were well founded, you would desist, for I am sure you wish us well.

Do not make another mistake. Just after the war the ballot was given to the whole negro race, thereby proclaiming that they were capable of self-government. Their ancestors for thousands of years had been barbarians and cannibals and had made no improvement whatever. They were elevated to a condition of slavery, and within a little more than a hundred years, with no opportunity for improvement, except that given by slavery, they were said to be capable of self-government. That was a tribute to slavery greater than was ever paid to all the learning of Greece or to any other institution.

It is said now by everybody that that was a great mistake. You admit that it was a great mistake. To aggravate the mistake the fifteenth amendment to the Constitution was interpolated. Do not make the mistake now of saying by your votes on this bill that if any organized band of negroes shall commit barbarous assassinations they shall be rewarded by the Government with two and a half years' pay for service they never performed.

It must be admitted that the service of these three companies can not again be useful to the country. If a man's leg is diseased, the surgeons often cut it off to save the body. These

three companies are diseased. Cut them off to save the balance of the army. You will poison the army if you return them to its uniform.

We do not desire to do the negro any harm. We have race prejudice, but we do not entertain race hatred. We wish the negro well. We spend hundreds of thousands of dollars trying to provide him with the rudiments of education. We protect him in his life, liberty, and property, and try to point him the way to morality and redemption, but we do not want him to govern us. He is not capable of governing himself.

The Creator, in His infinite wisdom, has made the Caucasian the supreme race of the world. The eye of fancy, in its utmost reach, can not measure the elevation at which the Caucasian race stands above the pure African race in his native jungles. Brought to this country from barbarism and cannibalism, the African was enslaved in all the original States of the Union. One by one the northern States repealed their slave laws, but in some way the negroes of those States nearly all reached slavery in the South. Their numbers in the South almost equalled the numbers of the whites. When they were manumitted and enfranchised they were a menace to the people of the South, and in a measure a menace to the entire country, because that which was a menace to so large a portion of the country as the South carried with it danger to all the country. The North did not know of the danger they incurred. We did know. The North has learned much of the negro, but I fear it has a great deal more to learn than it has yet learned.

We have done the best we could for the negro with the conditions that confronted us at the time of his manumission. He was ignorant, dependent, and shiftless. We had been impoverished by the support of the contending armies of both sections of the country during the war, and at the close of the war by the obliteration of thousands of millions of dollars' worth of property, in which the labor and earnings of our people for a century had been invested.

We had not only to contend against the impoverishment that had been inflicted upon us, but we had to contend with the thriftlessness and ineradicable political ignorance of the negro race. We set to work to improve them as best we could. We had improved his condition in slavery above his condition in his native jungles, and we were now to improve his condition in freedom, a freedom which he neither understood nor appreciated.

When we were rebuilding our fallen fortunes we were sending the negro to school upon the money which we ourselves earned. We have continued to send him to school. In some instances they have attained to a considerable degree of education and have acquired a considerable amount of property. A considerable number of them can read and write. With all this it requires the hand of the white man to hold them up, and they are no more capable of standing upon their own strength to-day than they were at the close of the war.

I say without fear of contradiction from anyone who knows the negro nature, the negro character, and the negro disposition, that you might furnish the brain of every negro in the United States with an academic education, and then withdraw from them entirely the presence of the white people and in less than five generations they would lapse into barbarism. You say that they have not retrograded. It is because the hand of the white man of the South has held them up. I ask northern Senators to study this question. Go where you can learn the facts, and when you learn I know you will remove the weight of your misguided efforts intended for philanthropy completely from us.

As you have become more and more acquainted with conditions in the South you have more and more permitted us to work out our own destiny, both for our welfare and for the welfare of the negro. Continue to acquaint yourselves with conditions and with the negro character and with the negro race. Throw party considerations to the winds. Let the negro go where he will politically. If he is left alone, he will of his own volition and nature abandon politics. He is of an inferior race, but he is not responsible for it. He is not capable of self-government, but he can not help it. He never can be made capable of self-government. He is an object of our sympathy and needs now and always will need our help.

I am willing to help him. One must know him to know how to help him. Those who have been raised with him know him and know how to help him. Let those who do not know him apply themselves to learn. He can not be helped by thrusting him into politics, that for which he has no capacity, and never can have any capacity, and that in which he would never dabble if he were left to his own impulses.

You say that you would not shut the door of hope to the negro. It is a great mistake to suppose that the door of hope is shut to the negro if he is not permitted to hold office and par-



ticipate in the Government. The door of hope does not necessarily open into office. Thousands of white men never expect nor desire to hold office, yet are of the happiest and have the brightest hopes in this world. No man ought to want to hold office except for the good of his country, and the negro can not hold office for the good of his country.

We are not responsible for this character and deficiency of the negro. A higher, a supreme, power made the decree, and to it we bow. We have not deteriorated the negro; we have improved him. He came to us a barbarian and cannibal, and we turned him loose semicivilized. We continue our efforts to improve him mentally, morally, and spiritually; and if in the course of time, probably thousands of years, at an expense to the white man of hundreds, aye, thousands of millions of dollars, he shall ever be able to stand alone, it is to be hoped that he will be returned to Africa as his own, there to manifest his governmental capacity, but not to govern white people.

The door of hope is open to him if his rights to life, liberty, and property and the pursuit of happiness are protected by the law. His rights to life, liberty, property, and the pursuit of happiness are protected by the law in the South as sacredly as in any other part of the country. Not only so, but he has the advice, encouragement, and help of our people whenever he shows any disposition to do anything for himself. Of course there are individual instances where injustice has been done him, just as there are individual instances where injustice has been done white people, but they are rare and impartially punished. We indulge him more than he is indulged anywhere in the world. With the exception of murder and that crime not to be uttered in this presence, our courts punish him by lighter sentences than white men for the same crimes. With all this, we do not want him to govern us.

We know where two separate and distinct races live together one or the other must control. This law is as immutable as the law of gravity. We know further, and you know, that of these two races one is the superior and the other is the inferior race. We know, and you know, that the Caucasian race is the superior and the negro is the inferior race. Now, I put this to you: Which of the two races do you desire to rule in the South, the Caucasian or the negro race? For I repeat, one or the other must rule.

Your answer is ready, and you would not hesitate to say that you are in favor of the white race ruling, if it is true that one or the other must rule; but you are skeptical of this immutable law. Your skepticism is born of your ignorance of the negro and of race conditions in the South.

How can it be possible that two races, who are so utterly different and distinct that you look with horror upon their amalgamation, can ever be partners in a government where their numbers are anything like equal? They can not do so where there is any considerable number of the inferior race, as the people in the North will in the near future learn. Miscegenation and amalgamation are viewed by you with such horror that no self-respecting white man would tolerate the contemplation of a marriage of one of his family to a negro. When you scorn the idea of taking the race as connubial partners, why offer them political partnership?

Do not force the negro race to dizzy altitudes where they can not stand, much less walk; for they will not only themselves fall from such giddy heights, but they will pull down to destruction those who would be their benefactors.

There are good negroes, and for such we have high regard and good esteem. Around such we throw the aegis of the Caucasian's capacity for democratic-republican self-government, a thing it is impossible for him to do for himself. We protect his life, liberty, property, and pursuit of happiness. Here is a door of real hope open to him, which he can enter and find full fruition, that which he can never find in the pursuit of politics for which he is not capacitated; hope of accumulating a competency for this life; hope of the liberal education of his children; hope of mental, moral, and spiritual improvement; hope of the peace that passeth understanding; and, finally, hope of a home in heaven.

Mr. BEVERIDGE. Mr. President, I do not intend to crave the attention of the Senate for longer than a moment, and I rise now to point the question which I asked the Senator from Mississippi a moment ago, which was not answered, which I have asked under different circumstances, and which has not yet been answered, but which sooner or later in this Chamber must be answered.

I think every Senator in the Chamber will agree with the opinion of the country that the Senator from South Carolina [Mr. TILLMAN] is the acknowledged spokesman of the view of that section of the country which is hostile to the voting of its negro population.

Mr. BACON. Why does the Senator say that?

Mr. BEVERIDGE. The Senator from Maine—

Mr. BACON. Why does the Senator say that?

Mr. BEVERIDGE. I say it for the reason that the Senator from South Carolina has—

Mr. BACON. Does he occupy any broader view of the question than any other Senator on this floor who is a representative of the South?

Mr. HALE. Mr. President, the Senator from Indiana asked me to give him sixty seconds.

Mr. BEVERIDGE. That is all I intend to take if Senators will not interrupt me, but I can not refuse to answer when I am asked a question.

Mr. BACON. I desire just one minute to say that I do not intend by my question to derogate from the right of the Senator from South Carolina to speak for himself or for his State, but I do say that the Senator from Indiana assumes a great deal when he assumes to say that any Senator speaks for anybody else except for himself and for his particular State.

Mr. BEVERIDGE. I will not take up the time now to answer the Senator, but if the Senator from Maine will permit me a moment I will answer that later. I merely want to say this, which I think will fulfill my promise to the Senator from Maine—

Mr. MONEY. If the Senator will pardon me for an interruption, I do not think he ought to make that statement, and then proceed to take his seat, without allowing Senators the privilege of contradicting him.

Mr. BEVERIDGE. Certainly not.

Mr. MONEY. Will you permit me to say a word?

Mr. BEVERIDGE. Will the Senator pardon me? The Senator from Maine desires to go on with the appropriation bill. I will promise the Senator to bring this up at another time.

Mr. MONEY. I would rather have it go in the Record at this moment.

Mr. BEVERIDGE. If the Senator from Maine will pardon me—

Mr. HALE. I think I must call for the regular order, which is the consideration of the naval appropriation bill.

The VICE-PRESIDENT. The Senator from Maine demands the regular order, which is the naval appropriation bill.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had agreed to amendments of the Senate to the bill (H. R. 21458) authorizing sales of land within the Coeur d'Alene Indian Reservation to the Northern Idaho Insane Asylum and to the University of Idaho.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 6252) to promote the administration of justice in the navy.

The message further announced that the House had disagreed to the amendment of the Senate to the joint resolution (H. J. Res. 219) to accept the gift of Constitution Island, in Hudson River, New York, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CAPRON, Mr. CHANEY, and Mr. HAY managers at the conference on the part of the House.

The message also returned to the Senate, in compliance with its request, the joint resolution (H. J. Res. 247) relating to the celebration of the one hundredth anniversary of the birth of Abraham Lincoln and making the 12th day of February, 1909, a legal holiday, and for other purposes.

#### NAVAL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 26394) making appropriations for the naval service for the fiscal year ending June 30, 1910, and for other purposes, which had been reported from the Committee on Naval Affairs with amendments.

Mr. HALE. I ask that the formal reading of the bill be dispensed with; that the bill be read for amendment; and that the committee amendments be first considered.

The VICE-PRESIDENT. The Senator from Maine asks that the formal reading of the bill be dispensed with; that the bill be read for amendment; and that the committee amendments be first considered.

Mr. LA FOLLETTE. Mr. President—

The VICE-PRESIDENT. Without objection, it is so ordered. Does the Senator from Maine yield to the Senator from Wisconsin?

Mr. HALE. For what purpose?

Mr. LA FOLLETTE. I rose in the first place to address myself to the Chair before the request for unanimous consent to dispense with the formal reading of the bill should be declared as having been submitted and passed upon.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Maine?

Mr. LA FOLLETTE. Mr. President, I interposed an objection for a moment to get an opportunity to inquire of the Senator from Maine if he would not consent that the bill might go over until Monday or Tuesday, at least until the first of next week, and to couple with that request this statement, if I may be indulged for a moment.

The bill was reported from the Committee on Naval Affairs yesterday, printed, and placed upon the desks of Senators for the first time this morning. It is a bill of 74 or 75 pages. It is accompanied by a report which, from the brief examination I have been able to make of it, is not very helpful, at least to me, in arriving at any conclusions with respect to the changes made in the bill as passed by the House.

For one, I should like to have an opportunity to read the bill with some care before it is acted upon and before I am required to vote upon it. I am not a member of the committee which has been accorded ample privilege to know what the bill contains, but I have a certain responsibility to the State which commissions me here with respect to the appropriations which the bill carries—nearly \$137,000,000.

Mr. HALE. The amount appropriated is about \$137,000,000.

Mr. LA FOLLETTE. Yes; about \$137,000,000.

I observe that the bill as reported from the Senate committee increases the appropriations made by the House by something over a million dollars, and that the total appropriations provided in the bill are something more than \$2,000,000—nearly two and a half million dollars—more than was estimated by the Navy Department.

A great many Senators are absent this afternoon and will be absent to-morrow and Saturday. I know that some of those Senators desire to be present when this bill is considered. They are out of the city in response to invitations to attend, with their fellow-citizens, the Lincoln memorial celebration, which occurs to-morrow in almost every hamlet and village of the country.

It does not seem to me to be an unreasonable request, Mr. President, in regard to a bill as important as this, and of which every member of the Senate, excepting those members upon the Committee on Naval Affairs, can have but little knowledge or information. Those members of the Senate who have had a brief service here of two or three years must rest in entire ignorance of the real significance of these large appropriations, if the bill is to be put through, as I have understood, this afternoon.

I know that the Senator from Maine is very busy. I know that he has service on many very important committees. I assume that that must be the reason for urging the speedy consideration of this bill, immediately following its report. But with all respect to the Senator from Maine and his very heavy responsibilities, it seems to me that other Senators here have certain responsibilities to their constituencies and to the country which they want to discharge, and I know that I voice the wishes of Senators, some of whom are absent, in proffering my request that the bill may go over until Monday.

Mr. HALE. Mr. President, I can see considerable force in the appeal of the Senator from Wisconsin, that the bill go over. It is an actual fact that, coming as late as it did from the House and receiving reasonable consideration at the hands of the committee, it came in here only yesterday morning, and Senators have not had much time to examine it.

Unfortunately, Mr. President, that is the condition the Senate is met with at the end of every session of Congress, and especially at the end of a short session, which by law dies on the 4th of March.

It is not a question of my being overburdened with work as the foundation of my desire to get the bill through this week. It is a question of the Senate being overburdened with work for the rest of the session. Almost all of the great appropriation bills that will involve subjects of interest and will necessitate debate are still in the House of Representatives and have not reached the doors of the Senate, and unless as fast as the committees having them in charge can report them to the Senate and they be considered, it will be impossible for the Senate to give due consideration to the great subjects embraced in the appropriation bills.

Mr. LA FOLLETTE. Mr. President—

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Wisconsin?

Mr. HALE. Certainly.

Mr. LA FOLLETTE. Would the Senator from Maine kindly inform the Senate as to how many appropriation bills remain to be acted upon at this session?

Mr. HALE. The army appropriation bill, the Military Academy appropriation bill, two; the agricultural appropriation bill, three; the Indian appropriation bill, four; the post-office appropriation bill, five; the sundry civil bill, six; the great deficiency bill, seven; and I do not know but the consular and diplomatic bill, making eight.

Mr. BEVERIDGE. And this bill, nine?

Mr. HALE. And this one, nine.

Mr. WARREN. And the legislative bill is not yet finished.

Mr. HALE. And the legislative bill has not yet been concluded.

Mr. WARREN. And the fortifications bill?

Mr. HALE. And the fortifications bill.

Mr. PERKINS. And the river and harbor bill?

Mr. HALE. I give it up; I did not know there were so many. Now, the Senator is an old legislator; he is a Member here, with service in this body—

Mr. LA FOLLETTE. Will the Senator from Maine permit me, in connection with his statement as to the number of bills remaining to be passed, to make a statement before he proceeds?

Mr. HALE. Yes.

Mr. LA FOLLETTE. As enumerated by the Senator, I understood him to say that there were nine, possibly ten. How many of those bills, if I may make further inquiry, have reached the Senate committees and are in the possession of the Senate?

Mr. HALE. I know of but one, the army appropriation bill.

Now, another thing. I am trying to have a reasonable talk and a colloquy with the Senator; I do not think he is prepared to embarrass the Senate, but does the Senator realize that with the two days which he says will be lost, because Senators are abroad upon other missions, there are only fifteen working days between now and the 4th of March?

Mr. LA FOLLETTE. Did the Senator pause for me to reply?

Mr. HALE. Yes; I will pause.

Mr. LA FOLLETTE. I thank the Senator.

I understand how many working days there are left, Mr. President, but I want to direct the attention of the Senator from Maine and of other Senators to a fact in connection with the bills yet remaining to be passed. If I rightly understand the record, this naval appropriation bill was sent to the Naval Committee of the Senate on the 25th of January. Am I correct about that, I would ask the Senator from Maine?

Mr. HALE. I do not know the exact date. I know the committee has had repeated sessions.

Mr. LA FOLLETTE. If committees of the Senate are to hold these bills in the committee rooms for fifteen days and then allow the Senate two or three hours to consider them when they are brought in here for passage, it is possible that we may not be able to conclude the session with all the appropriation bills passed. But if that process could undergo some slight modification, if the committees might give the Senate a small fraction of the large amount of time which they seem to have appropriated to the consideration of this bill, and let us, in some slight measure, know about the legislation that we are passing upon, it seems to me it would be a fairer division of responsibility.

Mr. HALE. Now, Mr. President—

Mr. LA FOLLETTE. If the Senator will permit me, I do not see the difficulties that surround the Committee on Appropriations and the committees having charge of the separate appropriation bills, because under the arrangement of the distribution of the work of the Senate a few Senators gather most of it to themselves. A very large number of the Members of this body are not permitted to participate in the important work of the consideration of these bills in committee, because at the beginning of each Congress, through an arrangement which has grown up here, a very limited number of Senators succeed in having themselves assigned to two or three or four of the great committees of the Senate, and in some cases to five, and, of course, it is impossible for them to take all of the business of legislation into their hands without having these bills delayed in committees brought in at the very close of the session and thrust upon the consideration of this body without any opportunity for Senators to know what they are legislating upon.

Mr. HALE. Mr. President, I have no sensitiveness at the intimation that the Committee on Naval Affairs has not been prompt and ready to report this bill earlier. All appropriation bills have to be considered with great care and circumspection



in committees. They involve hundreds and thousands of items. The Committee on Naval Affairs had repeated meetings and had the officers of the Government before it. If other appropriation bills had been ready and had been coming over from the House it is possible that the committee might have shortened its time, but not very much, considering the importance of the bill.

Senators must bear in mind that in dealing with appropriation bills the great part of the work, the consideration of the multifarious subjects, must be done in committee. I have no doubt the Senator has in mind a very profound scheme for reforming the usages, the customs, the practice, the habits of Senators, and the way of dealing with these subjects; but he will never get any new plan or any new arrangement that will not commit every appropriation bill to some committee. That committee will have to take it up, and that committee alone will be complete master of the subject when the bill is reported to the Senate. It will be, and it ought to be, subject to the scrutiny of the Senate; but if the Senator and I should join our efforts, particularly in the short session, we should never avoid the difficulty against which the Senator inveighs, especially in such a situation as that which now confronts us, for I have never known matters to be choked—

Mr. LA FOLLETTE. Mr. President—

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Wisconsin?

Mr. HALE. Will the Senator let me complete my expression?

Mr. LA FOLLETTE. Certainly.

Mr. HALE. I have never known a condition where such a jam, to use the metaphor of the lumbermen, has accumulated as at present. I am not speaking except as the representative of the Senate. If there is undue haste and undue time given at the end of the session, and all bills must be passed, then it is not anything more to me than it is to the rest of the Senate, including the Senator from Wisconsin. All that I am seeking, and all that I have tried to do, is to get this bill before the Senate. If the Senator from Wisconsin is bound, and feels that it is his duty to have more time to consider the bill, that is for him alone to settle and not for me; and it is not for me to find fault, and I do not, for I see how the Senator is situated. I suppose he wants to make an earnest research into this bill and has not had time to do so. Of course Senators understand that when a bill comes over from the other House and is being considered in committee here, they can study that bill if they take the House bill and they will be informed, so far as they can inform themselves, upon nineteen-twentieths of all the subjects that will be up in a bill when reported from the committee of the Senate, because almost the entire body of the bill is covered by the House bill which has been here for two or three weeks.

So far as I am concerned, as the organ of the Senate upon this bill, I am doing all that I can to get it up and to have it considered for the rest of the day and make some progress on it. I do not know, with the hour of 4 o'clock so nigh, that we can finish the bill to-day. I do not think when we consider it that there is likely to be any prolonged conflict, because the committee in reporting it has sought to present a bill that would be commendable and acceptable and avoid conflict. I should like very much—of course, the Senator can, as he has, and that is always the right of a Senator—to ask for the actual reading of all the provisions of the bill of seventy-odd pages, and no one can complain; but it has become part of the accepted routine of the Senate, when an appropriation bill comes up with so many items, that the formal reading is dispensed with for the reason that it is to be considered clause by clause and amendment by amendment as reported, with a complete and unqualified right of amendment on the part of the Senate. I think that practice, Mr. President, has worked well; and yet the Senator, if he interposes that objection, can consume an hour of the time of the Senate in the reading of the bill.

Now, I am only going to say that I am in the hands of the Senate. I do not know; I have not looked into it, but I presume what the Senator says may be correct. I think, however, there is undoubtedly a quorum here now to do business. I do not know but that Senators are going away to-morrow or the next day, so that we can do nothing but lose those days. I am not losing them; I can abide it if the Senate can. I should like to go on, as we do on appropriation bills, and see how far we can proceed with this bill. I have been kept off to-day by things of importance which I could not arrest. I got the bill up as early as possible, and I should like to go on and consider it and get as far along with it as we can until a reasonable hour, or

until the Senate is weary, and then I shall, of course, submit it entirely, so far as I am concerned, to the judgment of the Senate. If the Senate, under the conditions which have been disclosed by the statement of the Senator from Wisconsin, feels that Senators have departed or will depart and leave the body either without a quorum or with a bare quorum, which is a thin line in order to do business, it would be useless to come here. I had hoped that we might get the bill up early this morning and that we might pass it to-day, and then, if Senators are leaving or expect to leave or have left already, we could adjourn over until Monday. I have lost the day practically, except perhaps a couple of hours.

Mr. WARREN. Could the Senator not get the bill read?

Mr. HALE. Yes; undoubtedly. If the Senator from Wisconsin insists upon his point of order, I shall ask to have the Senate stay and have the bill read at any rate; and then it will be for the Senate to decide; only I hope it will be borne in mind that it is not the fault of anybody in charge of the appropriation bill if we get into a great jam. Therefore, if the Senator does not object, or if the Senator does not make his point about the reading of the bill, I will ask that we go on with the bill.

Mr. LA FOLLETTE. Mr. President, I arose to interrupt the Senator from Maine to say just a word in reply to his suggestion that I was considering some scheme of very great reform of procedure in this body, and that no plan could ever be worked out which would improve upon the method of sending bills to committees for their consideration. I am very frank to say to the Senator from Maine that I have thought about the present arrangement of committee appointments in this body; that I have had the temerity to consider whether it might not be possible to make some other arrangement for the appointment of committees which would distribute the consideration of the business of this body more equitably among all the Senators.

It never had occurred to me, Mr. President, that committees should be abolished. I realize that congressional legislation in its first stages must be largely by committees, but I had been led to think—of course I may be all wrong about it, and it may be almost treasonable for one to entertain the idea that there might be any improvement made upon the existing methods of disposing of the membership of this body in the appointment of committees—but, in view of the fact that legislation must be considered by committees, in view of the fact that it is only in committees that you can have that nice and fine consideration of the language of a bill, and in view of the fact that every legislative body must be more or less dependent upon the action of its committees, I have had the hardihood not only to doubt the divine perfection of the present arrangement, but almost to believe that if the business of considering the legislation of the Senate could be distributed among its 92 members instead of being taken in charge by less than one-third of the body it would be an improvement over existing conditions. When I say "the legislation," of course I do not mean the unimportant legislation, but I mean those great subjects which deal with business, with transportation, with finance, those great subjects that go to the prosperity of all of the homes of this country, the great subjects that must absorb the attention of the members of the committee, and which, therefore, it seems to me, ought to be distributed over a larger field for consideration.

Now, Mr. President, I have to confess a very great ignorance with respect to this bill, but I confess also to a very earnest and sincere desire to know something about it. I am not here talking against time or interposing any factious objection, and I shall not do so further than to give to myself, as one member of the Senate, a fair and reasonable opportunity to examine this bill. In doing that I think I am simply discharging an obligation owing to my State and to myself.

Mr. WETMORE. Mr. President, will the Senator from Wisconsin yield to me for a moment?

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Rhode Island?

Mr. LA FOLLETTE. I will be most happy to yield to the Senator from Rhode Island if he rises to put through, in some acceptable form, the joint resolution making to-morrow a legal holiday in the Territories and in the District of Columbia.

Mr. WETMORE. Mr. President, that is my purpose.

CENTENARY OF BIRTH OF ABRAHAM LINCOLN.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives returning to the Senate, in compliance with its request, the joint resolution (H. J. Res. 247) relating to the celebration of the one hundredth anniversary of

the birth of Abraham Lincoln and making the 12th day of February, 1909, a legal holiday, and for other purposes.

Mr. WETMORE. Mr. President, this morning the Senate passed a resolution asking the House to return to the Senate House joint resolution 247, which has just been laid before the Senate. I ask unanimous consent for its present consideration.

Mr. BEVERIDGE. Can that be done under the rule? Does not the Senator from Wisconsin [Mr. LA FOLLETTE] have to yield entirely under the rule? I observed the rule applied to the Senator from New Hampshire this morning.

The VICE-PRESIDENT. The questions are quite different.

Mr. LA FOLLETTE. I hope the Senator from Indiana will not raise that question on this particular joint resolution.

The VICE-PRESIDENT. It is not the introduction of a bill nor a petition nor a memorial that is asked, but the consideration of a message from the House of Representatives.

Mr. BEVERIDGE. That does not fall, then, within the rule?

The VICE-PRESIDENT. It does not fall within the prohibition of the rule.

Mr. BEVERIDGE. The only reason, I will say to the Senator from Wisconsin, that I raise the question is that this rule is very properly, as I think, being universally applied, and it was the opinion of Senators, until the Chair made it clearer, that the request of the Senator from Rhode Island fell within the rule. It is a very important rule.

Mr. WETMORE. Mr. President, I think this joint resolution ought not to take more than a moment. I hope there will be no objection to the present consideration of the joint resolution.

Mr. BEVERIDGE. No; none.

Mr. WETMORE. I wish to ask unanimous consent for the immediate consideration of the joint resolution. Before doing so, however, I should merely like to state that I have conferred with the junior Senator from Pennsylvania [Mr. KNOX], who was the mover in the Senate of the amendment which was adopted. He was perfectly willing, in view of the nearness of the approach of Lincoln's birthday, if this joint resolution came back from the House, to withdraw the amendment, as he did not desire in any way to obstruct its passage.

Mr. MONEY. Mr. President, I was unable to hear what the Senator had to say. I should like to know whether this is simply a proposition to make to-morrow a memorial day for President Lincoln, and a national holiday, or whether it is encumbered with the proposition to build a highway from Washington to Gettysburg?

Mr. WETMORE. The joint resolution simply provides for observing the day, and nothing else.

Mr. HALE. Let the joint resolution be read, and then the Senate will know about it.

The VICE-PRESIDENT. The Secretary will read the original joint resolution for the information of the Senate.

The Secretary read as follows:

*Resolved, etc., That the 12th day of February, 1909, the same being the centennial anniversary of the birth of Abraham Lincoln, be, and the same is hereby, made a special legal holiday in the District of Columbia and the Territories of the United States. Be it further*

*Resolved, That the President be authorized to issue a proclamation in accordance with the foregoing, setting apart the 12th day of February, 1909, as a special legal holiday.*

Mr. WETMORE. Do I understand that unanimous consent has been given for the present consideration of the joint resolution?

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution?

Mr. HALE. I have no objection, if it will give rise to no debate.

Mr. CULLOM. I hope the joint resolution will pass without delay.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution? The Chair hears none.

Mr. WETMORE. Mr. President, I move to reconsider the votes by which the amendment of the Senate to the joint resolution was ordered to be engrossed and the joint resolution to be read the third time and passed.

The VICE-PRESIDENT. Is there objection to the request? The Chair hears none, and the respective votes are reconsidered.

Mr. WETMORE. Now I move that the Senate disagree to the amendment heretofore adopted by it to the joint resolution of the House of Representatives.

The motion was agreed to.

Mr. CULBERSON. Let the joint resolution as it will stand if now adopted be read.

Mr. CULLOM. It has been read just this moment.

Mr. CULBERSON. I was out of the Chamber, and I should like to hear it read again.

The VICE-PRESIDENT. The amendment will be again read.

The Secretary again read the joint resolution.

The joint resolution was ordered to a third reading, read the third time, and passed.

#### CONSTITUTION ISLAND.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the joint resolution (H. J. Res. 219) to accept the gift of Constitution Island in the Hudson River, New York.

Mr. WARREN. I move that the Senate insist upon its amendments, agree to the conference asked for by the House of Representatives, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and the Vice-President appointed Mr. LODGE, Mr. du PONT, and Mr. FOSTER.

#### COURTS FOR TRIAL OF ENLISTED MEN.

Mr. PERKINS submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 6252) to promote the administration of justice in the navy, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

The House recedes from its disagreement to the amendment of the Senate and agrees to the same with an amendment as follows:

In lieu of the proposed amendment insert the following:

"That courts for the trial of enlisted men in the Navy and Marine Corps for minor offenses now triable by summary court-martial may be ordered by the commanding officer of a naval vessel, by the commandant of a navy-yard or station, by a commanding officer of marines, or by higher naval authority.

"SEC. 2. That such courts shall be known as 'deck courts,' and shall consist of one commissioned officer only, who, while serving in such capacity shall have power to administer oaths, to hear and determine cases, and to impose, in whole or in part, the punishments prescribed by article thirty of the Articles for the Government of the Navy: *Provided*, That in no case shall such courts adjudge discharge from the service or adjudge confinement or forfeiture of pay for a longer period than twenty days.

"SEC. 3. That any person in the navy under command of the officer by whose order a deck court is convened may be detailed to act as recorder thereof.

"SEC. 4. That the officer within whose command a deck court is sitting shall have full power as reviewing authority to remit or mitigate, but not to commute, any sentence imposed by such court; but no sentence of a deck court shall be carried into effect until it shall have been so approved or mitigated, and such officer shall have power to pardon any punishment such court may adjudge.

"SEC. 5. That the courts hereby authorized shall be governed in all details of their constitution, powers, and procedure, except as herein provided, by such rules and regulations as the President may prescribe.

"SEC. 6. That the records of the proceedings of the courts hereby authorized shall contain such matters only as are necessary to enable the reviewing authorities to act intelligently thereon, except that if the party accused demands it within thirty days after the decision of the deck court shall become known to him, the entire record, or so much as he desires, shall be sent to the reviewing authority. Such records, after action thereon by the convening authority, shall be forwarded directly to, and shall be filed in, the office of the Judge-Advocate-General of the Navy, where they shall be reviewed, and, when necessary, submitted to the Secretary of the Navy for his action.

"SEC. 7. That no person who objects thereto shall be brought to trial before a deck court. Where such objection is made by the person accused, trial shall be ordered by summary or by general court-martial, as may be appropriate.

"SEC. 8. That the courts authorized to impose the punishments prescribed by article thirty of the Articles for the Government of the Navy may adjudge either a part or the whole, as may be appropriate, of any one of the punishments therein enumerated: *Provided*, That the use of irons, single or double, is hereby abolished, except for the purpose of safe custody or when part of a sentence imposed by a general court-martial.

"SEC. 9. That the Secretary of the Navy may set aside the proceedings or remit or mitigate, in whole or in part, the sentence imposed by any naval court-martial convened by his order or by that of any officer of the navy or Marine Corps.



"SEC. 10. That general courts-martial may be convened by the President, by the Secretary of the Navy, by the commander in chief of a fleet or squadron, and by the commanding officer of any naval station beyond the continental limits of the United States.

"SEC. 11. That a naval court-martial or court of inquiry shall have power to issue like process to compel witnesses to appear and testify which United States courts of criminal jurisdiction within the State, Territory, or District where such naval court shall be ordered to sit may lawfully issue.

"SEC. 12. That any person duly subpoenaed to appear as a witness before a general court-martial or court of inquiry of the navy, who willfully neglects or refuses to appear, or refuses to qualify as a witness or to testify or produce documentary evidence which such person may have been legally subpoenaed to produce, shall be deemed guilty of a misdemeanor, for which such person shall be punished on information in the district court of the United States; and it shall be the duty of the United States district attorney, on the certification of the facts to him by such naval court, to file an information against and prosecute the person so offending, and the punishment of such person, on conviction, shall be a fine of not more than \$500 or imprisonment not to exceed six months, or both, at the discretion of the court: *Provided*, That this shall not apply to persons residing beyond the State, Territory, or District in which such naval court is held, and that the fees of such witness and his mileage at the rates provided for witnesses in the United States district court for said State, Territory, or District shall be duly paid or tendered said witness, such amounts to be paid by the Bureau of Supplies and Accounts out of the appropriation for compensation of witnesses: *Provided further*, That no witness shall be compelled to incriminate himself or to answer any question which may tend to incriminate or degrade him.

"SEC. 13. That persons confined in prisons in pursuance of the sentence of a naval court-martial shall, during such confinement, be allowed a reasonable sum, not to exceed \$3 per month, for necessary prison expenses, and shall upon discharge be furnished with suitable civilian clothing and paid a gratuity, not to exceed \$25: *Provided*, That such allowances shall be made in amounts to be fixed by, and in the discretion of, the Secretary of the Navy, and only in cases where the prisoners so discharged would otherwise be unprovided with suitable clothing or without funds to meet their immediate demands.

"SEC. 14. That section sixteen hundred and twenty-four, article thirty-four, Revised Statutes of the United States, is hereby amended as follows: 'The proceedings of summary courts-martial shall be conducted with as much conciseness and precision as may be consistent with the ends of justice, and under such forms and rules as may be prescribed by the Secretary of the Navy, with the approval of the President; and all such proceedings shall be transmitted in the usual mode to the Navy Department, where they shall be kept on file for a period of two years from date of trial, after which time they may be destroyed, in the discretion of the Secretary of the Navy.'

"SEC. 15. That it shall be lawful for any civil officer having authority under the laws of the United States or of any State, Territory, or District to arrest offenders, to summarily arrest a deserter from the navy or Marine Corps of the United States and deliver him into the custody of the naval authorities.

"SEC. 16. That the depositions of witnesses may be taken on reasonable notice to the opposite party, and when duly authenticated, may be put in evidence before naval courts, except in capital cases and cases where the punishment may be imprisonment or confinement for more than one year, as follows: First, depositions of civilian witnesses residing outside the State, Territory, or District in which a naval court is ordered to sit; second, depositions of persons in the naval or military service stationed or residing outside the State, Territory, or District in which a naval court is ordered to sit, or who are under orders to go outside of such State, Territory, or District; third, where such naval court is convened on board a vessel of the United States, or at a naval station not within any State, Territory, or District of the United States, the depositions of witnesses may be taken and used as herein provided whenever such witnesses reside or are stationed at such a distance from the place where said naval court is ordered to sit, or are about to go to such a distance as, in the judgment of the convening authority, would render it impracticable to secure their personal attendance.

"SEC. 17. That all sentences of summary courts-martial may be carried into effect upon the approval of the senior officer present, and all sentences of deck courts may be carried into effect upon approval of the convening authority or his successor in office.

"SEC. 18. That all acts or parts of acts inconsistent herewith are hereby repealed."

GEO. C. PERKINS,  
J. H. GALLINGER,  
B. R. TILLMAN,

*Managers on part of the Senate.*

ERNEST W. ROBERTS,  
A. F. DAWSON,  
L. P. PADGETT,

*Managers on part of the House.*

The report was agreed to.

#### NAVAL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed consideration of the bill (H. R. 26394) making appropriations for the naval service for the fiscal year ending June 30, 1910, and for other purposes.

Mr. HALE. Mr. President—

The VICE-PRESIDENT. The Senator from Wisconsin [Mr. LA FOLLETTE] is entitled to the floor. Does he yield to the Senator from Maine?

Mr. HALE. Only to ask the Senator whether he is willing now, as he has called for the reading of the bill, to let the bill be read, so that at least we may have that out of the way tonight? Does the Senator object to that?

Mr. LA FOLLETTE. Oh, certainly not, Mr. President, and I would not insist upon that if it were not just with a view of getting time enough to examine this bill.

Mr. BEVERIDGE. That will save time.

Mr. LA FOLLETTE. I should like before the reading of the bill is proceeded with to say just a word or two.

Mr. FLINT. Mr. President—

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from California?

Mr. LA FOLLETTE. Certainly.

Mr. FLINT. Before any further action is taken, as the Senator from Wisconsin stated that one of his reasons why this bill should go over was that a number of Senators were absent from the Chamber making speeches, I desire to suggest the lack of a quorum, so that we may ascertain the number of Senators who are present.

The VICE-PRESIDENT. The Senator from California suggests the absence of a quorum. The Secretary will call the roll.

Mr. LA FOLLETTE. I said "would be absent to-morrow," if that little correction will induce the Senator to withdraw his call for a quorum—

Mr. GALLINGER. Let the call proceed.

The VICE-PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

|           |            |             |            |
|-----------|------------|-------------|------------|
| Bacon     | Curtis     | Heyburn     | Penrose    |
| Bailey    | Daniel     | Kean        | Perkins    |
| Bankhead  | Depew      | Kittredge   | Piles      |
| Beveridge | Dick       | La Follette | Rayner     |
| Brandegee | Dixon      | McCreary    | Richardson |
| Brown     | Elkins     | McCumber    | Scott      |
| Bulkeley  | Flint      | McEnery     | Smith, Md. |
| Burkett   | Foraker    | McLaurin    | Smoot      |
| Barnham   | Foster     | Martin      | Sutherland |
| Burrows   | Frazier    | Milton      | Teller     |
| Carter    | Frye       | Money       | Tillman    |
| Clapp     | Fulton     | Nelson      | Warner     |
| Clay      | Gallinger  | Newlands    | Warren     |
| Crane     | Gamble     | Overman     | Wetmore    |
| Culberson | Guggenheim | Owen        |            |
| Cullom    | Hale       | Page        |            |
| Cummins   | Hemenway   | Paynter     |            |

The VICE-PRESIDENT. Sixty-five Senators have answered to their names. A quorum of the Senate is present.

Mr. LA FOLLETTE. Mr. President, I was very glad to yield to the Senator from Rhode Island [Mr. WETMORE] to have the Senate pass the joint resolution making the 12th of February a legal holiday. Something more than a year ago I introduced exactly such a bill. It went to the Committee on the District of Columbia. It was reported out of that committee on the 24th day of March for indefinite postponement and, in my absence from the floor, was indefinitely postponed. So, sir, I was glad to see that some one is able to secure at the hands of the United States Senate, after many years, favorable consideration for a measure to make the birthday of Abraham Lincoln a legal holiday within the territory under the jurisdiction of the Congress.

Mr. President, I have not taken the floor for the purpose of consuming the time of the Senate or to delay legislation further than to secure for myself and possibly for other Senators who

may wish to do so the opportunity to know what this legislation is to be before we are required to pass upon it.

I will consume no time to interfere with the reading of the bill to-day if, at the conclusion of its first reading, the bill may go over until Monday morning.

Mr. HALE. So far as I am concerned, in charge of the bill, as I have already intimated, I shall be entirely willing to leave it to the Senate whether the Senate, when it adjourns to-day, will adjourn until Monday. There would be nothing gained by attempting to hold a session with the lack of a quorum or a very thin quorum. I stated when the bill was made the business of the Senate that my hope was to pass it to-night, so that in view of the absence of many Senators we might adjourn until Monday.

Mr. GALLINGER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from New Hampshire?

Mr. HALE. Certainly.

Mr. GALLINGER. In view of the fact that the Senator from Wisconsin asks for time, which is a reasonable and proper thing, and in view of the further fact that it is evident we will probably not have a quorum to-morrow, I move that when the Senate adjourns to-day it be to meet on Monday next.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from New Hampshire, that when the Senate adjourns to-day it be to meet on Monday next.

Mr. CARTER. Mr. President—

Mr. GALLINGER. The question is not debatable, Mr. President.

The motion was agreed to.

Mr. HALE. Let the reading of the bill be proceeded with, so that it will be disposed of.

Mr. LA FOLLETTE. I have no objection to interpose to the reading of the bill this evening—

The VICE-PRESIDENT. Let the Chair understand. What is the request of the Senator from Maine?

Mr. HALE. The Senator from Wisconsin objected to dispensing with the formal reading of the bill.

The VICE-PRESIDENT. That is correct.

Mr. HALE. That makes the only thing in order the formal reading of the bill, not for amendment.

The VICE-PRESIDENT. That is correct. The Secretary will proceed to read the bill.

Mr. LA FOLLETTE. I realize that the reading of the bill in the Senate is not very helpful toward a better understanding of its provisions; and if the further consideration of the bill for the day can be deferred, I will withdraw my request for the first reading, allowing the record to be made, so that the first reading of the bill can not be demanded on Monday.

Mr. HALE. If the Senator does not insist on the formal reading of the bill, I will ask that the Clerk read the first clause of the bill, and after that it will be too late for anybody on Monday to ask for the formal reading. I ask that the formal reading of the bill be dispensed with.

The VICE-PRESIDENT. The Senator from Maine asks that the first formal reading of the bill be dispensed with, that the bill be read for amendment, the committee amendments to be first considered. Is there objection?

Mr. LA FOLLETTE. With the understanding that we proceed no further to-night than the reading of the first clause of the bill, I do not interpose any objection.

Mr. HALE. The Senator does not need to insist on an agreement. I stated that if the Senator did not insist on the formal reading, I would ask to dispense with it, and would then ask that one clause of the bill be read, so that nobody can make the point afterwards.

Mr. LA FOLLETTE. I so understood the Senator, and I made the statement I did because it occurred to me that it might be within the power of some other Senator to move to proceed with the consideration of the bill this afternoon. I had not in mind that it would be assumed by one Senator here to dispose of the proceedings out of hand. I was mindful that there were other Senators present who might feel free to exercise their rights and proceed with the consideration and passage of the bill.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Maine? The Chair hears none, and it is so ordered.

Mr. HALE. Now let the Clerk read one clause of the bill, and then I will withdraw it.

The VICE-PRESIDENT. The Secretary will proceed to read the bill.

The Secretary proceeded to read the bill, and continued to the end of line 8, on page 1.

Mr. HALE. I shall not under the circumstances ask any further procedure. The bill will come up, and I shall the first thing on Monday morning ask the Senate to proceed to its further consideration by amendments as they are reached.

The VICE-PRESIDENT. The bill will be laid aside.

#### ENLARGED HOMESTEADS.

Mr. SMOOT submitted the following report (S. Doc. No. 712):

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 6155) to provide for an enlarged homestead having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment numbered 1.

That the Senate recede from its disagreement to House amendments numbered 2, 3, 5, 6, 7, 8, and agree to the same.

That the Senate recede from its disagreement to House amendment numbered 4, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert:

"Provided, That no lands shall be subject to entry under the provisions of this act until such lands shall have been designated by the Secretary of the Interior as not being, in his opinion, susceptible of successful irrigation at a reasonable cost from any known source of water supply."

That the Senate recede from its disagreement to amendment numbered 9, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert:

SEC. 6. That whenever the Secretary of the Interior shall find that any tracts of land, in the State of Utah, subject to entry under this act, do not have upon them such a sufficient supply of water suitable for domestic purposes as would make continuous residence upon the lands possible, he may in his discretion designate such tracts of land, not to exceed in the aggregate two million acres, and thereafter they shall be subject to entry under this act without the necessity of residence: *Provided*, That in such event the entryman on any such entry shall in good faith cultivate not less than one-eighth of the entire area of the entry during the second year, one-fourth during the third year, and one-half during the fourth and fifth years after the date of such entry, and that after entry and until final proof the entryman shall reside within such distance of said land as will enable him successfully to farm the same as required by this section.

And that the House agree to the same.

REED SMOOT,

C. D. CLARK,

A. J. McLAURIN,

*Managers on the part of the Senate.*

F. W. MONDELL,

A. J. VOLSTEAD,

JOSEPH T. ROBINSON,

*Managers on the part of the House.*

The VICE-PRESIDENT. The question is on agreeing to the report of the committee of conference.

Mr. CARTER. I suggest that the report be printed and go over until Monday.

Mr. SMOOT. Of course, I have no objection whatever to that course, if the House is going to adjourn until Monday as well, but the chairman of the Committee on the Public Lands of the House would like very much to have the report go over there just as soon as possible.

Mr. CARTER. It seems to be an important matter, and I should like very much to have it printed, in order that I may look it over before it is passed upon.

The VICE-PRESIDENT. The report will be printed and lie on the table.

#### BLAINE AND SUMAS, WASH.

Mr. PILES. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 24140) extending the provisions of the act of June 10, 1880, concerning transportation of dutiable merchandise without appraisement, to report it favorably with an amendment, and I ask unanimous consent for its present consideration.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. CULBERSON. Let it be read.

The VICE-PRESIDENT. The Secretary will read the bill for the information of the Senate.

Mr. PILES. If the Senator from Texas will permit me, I can explain it in a minute.



A bill for this purpose passed the Senate. A similar bill was introduced in the House, and the House struck out a portion of the bill as it passed the Senate. Now, the Committee on Commerce have favorably reported the House bill with the amendment that was stricken out in the House. It is a local measure relating solely to a customs district on Puget Sound, in the State of Washington.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with an amendment, to insert at the end of the bill, as a new section, the following:

SEC. 2. That the deputy collectors of customs at the subports of Seattle and Tacoma, in the State of Washington, shall receive such compensation as the Secretary of the Treasury shall determine, not exceeding, however, the compensation paid the deputy collector at the port of San Francisco, Cal.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. PILES. I move that the House be requested to return to the Senate the bill (S. 7862) to extend the privileges of the first section of the act of June 10, 1880, to the subports of Blaine and Sumas, in the State of Washington, and allowing the Secretary of the Treasury to fix the compensation of the deputy collectors at Seattle and Tacoma.

The motion was agreed to.

#### EXECUTIVE SESSION.

Mr. PENROSE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After twenty-two minutes spent in executive session, the doors were reopened.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. McKenney, its enrolling clerk, announced that the Speaker of the House had signed the enrolled joint resolution (H. J. Res. 247) relating to the celebration of the one hundredth anniversary of the birth of Abraham Lincoln and making the 12th day of February, 1909, a legal holiday, and for other purposes, and it was thereupon signed by the Vice-President.

#### SALARY OF SECRETARY OF STATE.

Mr. HALE. Mr. President, I ask the attention of the Senator from Georgia [Mr. BACON] to a request which I am about to make. It is a matter which has had partial consideration here. In order that the bill may be before the House on Monday, suspension day, I ask unanimous consent to take from the calendar for consideration the bill reported from the Senator's committee this morning by the chairman, the Senator from Wyoming [Mr. CLARK].

The VICE-PRESIDENT. The Senator from Maine asks unanimous consent for the present consideration of the bill (S. 9295) in relation to the salary of the Secretary of State. The bill will be read by the Secretary for information.

The SECRETARY. The Committee on the Judiciary reported an amendment, to strike out all after the enacting clause and to insert:

That section 4 of the act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1908, and for other purposes," approved February 26, 1907, fixing the annual compensation of heads of executive departments, be, and the same is hereby, repealed in so far as the same relates to the annual compensation of the Secretary of State; and the annual compensation of the Secretary of State shall be at the rate of \$8,000.

SEC. 2. That on and after March 4, 1909, there shall be no emoluments attached to the office of Secretary of State other than those which by the law in force on the 1st day of May, 1904, belonged and were then attached to said office.

SEC. 3. That this act shall take effect and be in force from and after March 4, 1909.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. HALE. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 56 minutes p. m.) the Senate adjourned until Monday, February 15, 1909, at 12 o'clock meridian.

#### CONFIRMATIONS.

*Executive nominations confirmed by the Senate February 11, 1909.*

#### PROMOTION IN THE NAVY.

Surg. John M. Edgar to be a medical inspector in the navy.

#### RECEIVERS OF PUBLIC MONEYS.

Hugh Taylor, of Colorado, to be receiver of public moneys at Denver, Colo.

John J. Guheen, of Pocatello, Idaho, to be receiver of public moneys at Blackfoot, Idaho.

#### POSTMASTERS.

##### ARIZONA.

Leonard D. Redfield, at Benson, Ariz.

##### CALIFORNIA.

Horace E. Allatt, at Imperial, Cal.

##### IDAHO.

Ralph S. Smith, at Potlatch, Idaho.

##### INDIANA.

Isaac F. Lawshe, at Swayzee, Ind.

##### KANSAS.

Charles E. Green, at Effingham, Kans.

##### MARYLAND.

Thomas O. Jefferson, at Federalburg, Md.

William B. Massey, at Greensboro, Md.

##### MASSACHUSETTS.

Lawrence W. Dower, at Easthampton, Mass.

##### MINNESOTA.

Ellis J. Anderson, at Coleraine, Minn.

O. R. Hatton, at Booten, Minn.

J. T. Larson, at Evansville, Minn.

Mary Mogren, at Ortonville, Minn.

##### MISSISSIPPI.

David A. Adams, at Iuka, Miss.

Fannie Hillerman, at Kosciusko, Miss.

##### MISSOURI.

John A. Livingston, at Cassville, Mo.

##### NEW MEXICO.

Louis Garcia, at Springer, N. Mex.

##### OHIO.

Selah S. Connell, at West Carrollton, Ohio.

W. E. Halley, at Greenville, Ohio.

Guy M. Kingsbury, at Dunkirk, Ohio.

Philip D. Shera, at Oxford, Ohio.

##### OKLAHOMA.

Harry L. Crittenden, at Mangum, Okla.

Maud A. Falconer, at Cheyenne, Okla.

James Wilkin, at Tonkawa, Okla.

##### OREGON.

John F. Reisacher, at Condon, Oreg.

##### PENNSYLVANIA.

Samuel P. Arnold, at Curwensville, Pa.

Edward M. Frye, at Monessen, Pa.

David D. Park, at Lapark, Pa.

Walter L. Stevenson, at West Newton, Pa.

##### PORTO RICO.

Jose Carrera, at Humacao, P. R.

Ramon A. Rivera, at Arecibo, P. R.

##### SOUTH DAKOTA.

N. Howard Wendell, at Aberdeen, S. Dak.

## TEXAS.

Louise A. Ackerman, at Mabank, Tex.  
 Joshua Cooke, jr., at Longview, Tex.  
 E. P. Flanagan, at Henderson, Tex.  
 John N. Johnson, at Rockwall, Tex.  
 Alva P. Langston, at Blooming Grove, Tex.  
 Andrew G. Mitchell, at Higgins, Tex.  
 William Reese, at Floresville, Tex.  
 William L. Rogers, at Conroe, Tex.  
 William S. Strain, at Lancaster, Tex.

## UTAH.

Robert B. Quay, at Garfield, Utah.

## WASHINGTON.

Angus D. Campbell, at Tenino, Wash.  
 James R. O'Ferrell, at Orting, Wash.  
 P. R. Parks, at Colville, Wash.  
 Orin D. Post, at Sumas, Wash.

## HOUSE OF REPRESENTATIVES.

THURSDAY, February 11, 1909.

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of the proceedings of yesterday was read and approved.

## CONSTITUTION ISLAND, HUDSON RIVER, NEW YORK.

Mr. CHANEY. Mr. Speaker, it seems that the papers relating to House joint resolution 219, in the course of transmission from the House to the Senate were lost, and it will be necessary for us to have a copy of the amendment to the resolution passed by the Senate, and I therefore offer the following order.

The Clerk read as follows:

## Order 26.

*Ordered*, That the Clerk be directed to direct the Senate to furnish to the House a copy of Senate amendment to House joint resolution 219, accepting the gift of Constitution Island, in the Hudson River, New York, to replace the original copy of the amendment which has been lost.

The order was agreed to.

Mr. CHANEY. Mr. Speaker, it will also be necessary to have a reengrossment of the resolution, and I offer the following order.

The Clerk read as follows:

## Order 27.

*Ordered*, That House joint resolution 219, to accept the gift of Constitution Island, in the Hudson River, New York, be reengrossed.

The order was agreed to.

## LAKE ERIE AND OHIO RIVER SHIP CANAL COMPANY.

The SPEAKER. The Chair lays before the House the following Senate bill, a similar bill being upon the House Calendar.

The Clerk read as follows:

An act (S. 8154) to amend section 19 of the act granting the Lake Erie and Ohio River Ship Canal Company rights to construct, equip, maintain, and operate a canal or canals and appurtenant works between the Ohio River in the State of Pennsylvania and Lake Erie in the State of Ohio, approved June 30, 1906.

*Be it enacted*, etc., That section 19 of the act granting the Lake Erie and Ohio River Ship Canal Company rights to construct, equip, maintain, and operate a canal or canals and appurtenant works between the Ohio River in the State of Pennsylvania and Lake Erie in the State of Ohio, approved June 30, 1906, be, and it is hereby, amended as follows: In said section of said act strike out the words "three years" and insert the words "six years" in lieu thereof; also strike out the words "ten years" and insert the words "thirteen years" in lieu thereof.

Mr. CLARK of Missouri. I would like to ask the gentleman if this does anything more than to change the time?

Mr. DALZELL. It extends the time for beginning the canal and the time for completion.

Mr. CLARK of Missouri. It does not change it at all in any other way?

Mr. DALZELL. Not at all; it does not change it in any other way whatever.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. DALZELL, a motion to reconsider the vote whereby the bill was passed was laid on the table.

A similar House bill (H. R. 24853) to amend the charter of the Lake Erie and Ohio Ship Canal Company, approved June 30, 1906, was laid on the table.

## MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 7210. An act to authorize an exchange of the present site

of the light-house at the mouth of the Kalamazoo River, in Michigan, for a new site therefor on the new channel now being the outlet of said river into Lake Michigan;

S. 7652. An act to provide suitable civilian clothing and a cash gratuity to naval prisoners on discharge;

S. 6986. An act for the relief of registers and former registers of the United States land offices;

S. 9242. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and to the widows and dependent and helpless relatives of such soldiers and sailors; and

S. 9067. An act to grant pensions and increase of pensions to certain soldiers and sailors of the civil war and to certain widows and dependent relatives of said soldiers.

The message also announced that the Senate had passed, with amendments, bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 24831. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war, and certain widows and dependent relatives of such soldiers and sailors;

H. R. 26746. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors;

H. R. 25391. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors;

H. R. 7474. An act granting an increase of pension to Charles H. Balch;

H. R. 25806. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors;

H. R. 26461. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors; and

H. R. 21926. An act for the organization of the militia in the District of Columbia.

The message also announced that the Senate had passed without amendment bills and joint resolution of the following titles:

H. R. 20385. An act to enable the Omaha and Winnebago Indians to protect from overflow their tribal and allotted lands located within the boundaries of any drainage district in Nebraska;

H. R. 27069. An act to authorize the Secretary of War to donate two condemned brass or bronze cannon or fieldpieces and cannon balls to the city of Henderson, Ky.;

H. R. 18726. An act for the relief of Wyatt O. Selkirk; and

H. J. Res. 226. Joint resolution authorizing the Secretary of War to loan certain tents for use at the festival encampment of the North American Gymnastic Union, to be held at Cincinnati, Ohio, in June, 1909.

The message also announced that the Senate had passed the following resolutions:

*Resolved*, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 8356) to enable the Omaha Indians to protect from overflow their tribal and allotted lands located within the boundaries of any drainage district in Nebraska.

Also:

*Resolved*, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 9039) to enable the Winnebago Indians to protect from overflow their tribal and allotted lands located within the boundaries of any drainage district in Nebraska.

## IMMIGRATION.

Mr. BENNET of New York. Mr. Speaker, I call up conference report on the bill (H. R. 21052) to amend sections 11 and 13 of an act entitled "An act to establish a Bureau of Immigration and Naturalization, and to provide for a uniform rule for the naturalization of aliens throughout the United States." I ask unanimous consent that the statement be read instead of the report.

The SPEAKER. The gentleman from New York asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The Clerk read the statement, as follows:

## STATEMENT.

The House conferees recede from their disagreement to the Senate amendment and the Senate consents that the time within which petitioners are to pay the present rates is extended a year.

BENJ. F. HOWELL,  
 WILLIAM S. BENNET,  
 JOHN L. BURNETT,

Managers on the part of the House.